

HOUSE OF REPRESENTATIVES—Tuesday, June 5, 1984

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Allow us, O God, to rejoice when we have cause to rejoice, to celebrate the good things of life, to be proud of achievement and success. Even as we give thanks that we have been blessed, may we not be self-righteous toward others in our attitudes or in our actions. May true humility of spirit be seen, not as a sign of weakness, but as a mark of confidence, a belief that true worth comes as Your divine gift and is seen in doing those things that demonstrate justice and mercy. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the bill on the Private Calendar.

RESTORATION OF COASTWISE TRADING PRIVILEGES TO THE VESSEL "LA JOLIE"

The Clerk called the Senate bill (S. 1015) to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

RENAME THE STREET IN FRONT OF THE SOVIET EMBASSY FOR ANDREI SAKHAROV

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, Academician Andrei Sakharov is not only one of the leading scientists of modern times, but is the symbol of human rights and freedom and hope, not only for the oppressed people of the Soviet Union but also for people throughout the world who admire his courage and

seek human rights for all people. At this moment we do not know whether Professor Sakharov is living or dead, but I fear that the Soviet Union once again is ruthlessly stamping out any small ember of human rights that might glow in that nation and they will want us to forget the death of Andrei Sakharov, just as we might forget the Korean airliner shoot-down or their invasion of Afghanistan or their threats against the Polish people or their military actions against the people of Czechoslovakia and Hungary.

Mr. Speaker, I propose that we do not forget nor let them. Why do we not join with other Western and free nations and rename the streets in our capitals in front of every Soviet Embassy "Andrei Sakharov Avenue" so that they will never forget his name and what he stood for. When Soviet diplomats get their mail or when people get directions or take taxis to go there, that Sakharov's name will be used and they will be reminded of him, and they will know that Andrei Sakharov lives on in our memories and those of all free people.

I will be introducing legislation to rename the street in front of the Soviet Embassy here in Washington as "Andrei Sakharov Avenue" and will ask my colleagues to join with me in supporting it.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT DURING 5-MINUTE RULE ON WEDNESDAY, JUNE 6, 1984

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to sit during the 5-minute rule on Wednesday, June 6. This has been cleared with the minority.

The SPEAKER pro tempore (Mr. WILLIAMS of Montana). Is there objection to the request of the gentleman from Arizona?

There was no objection.

STEVE KWON/VOTING IN AMERICA

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, during the past year and one-half one of the most important lessons I have learned in Congress is the "value of the vote." I

have realized, through participation, that each and every one of our 435 Members uses that voting privilege to represent an entire congressional district, averaging at least 500,000 people.

I have also become more appreciative that voting at all levels of the political process plays an equally significant role in determining the welfare of our people.

Recently, I talked with a Las Vegas constituent about the importance of voting. This native-born Korean told me his fellow Korean Americans tend to be fearful of political participation because their history has been dominated by political personalities who killed dissenters.

Yet, despite such historical impressions, this American himself has had a responsible role in the voter registration of more than 2,500 Korean Americans in Clark County. Simply, Mr. Steve Kwon asserts that "To be an American means participating in this country's political process."

What greater participation could there be than exercising the right to vote? I can think of none.

RELIEF FOR THE DOMESTIC SHOE INDUSTRY

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, the American shoe industry provides many benefits to our country; 133,000 people are employed in shoe manufacturing and 90,000 more jobs in supporting industries in the United States.

Imports have devastated the domestic footwear industry. They have risen from 47 percent of the American market in 1977 to over 70 percent today.

Shoe manufacturing is labor intensive. In my State of North Carolina, it employs 3,350 people with an annual payroll of \$40 million.

In my district, the Blue Ridge Shoe Co. at Hot Springs in North Carolina, is the largest employer in Madison County with more than 400 employees. This plant is scheduled to be closed in August—a direct result of imports. There are no other industries nearby that can absorb these workers.

The shoe industry has filed for relief with the International Trade Commission. I support this action strongly and urge the Commission to examine the evidence submitted and to provide much-needed relief. Without it, our

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

domestic footwear industry will be permanently destroyed.

UNPRECEDENTED TALKS BETWEEN SECRETARY SHULTZ AND MARXIST GOVERNMENT OF NICARAGUA

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, last weekend Secretary Shultz took the unprecedented step of talking to the leader of the Marxist government in Nicaragua.

In recent weeks many Members of this House have criticized others for urging just such a dialog. Much of this criticism has been unfortunate and unwarranted. I hope that Mr. Shultz does not receive some of the same treatment.

Mr. Speaker, open and frank dialog with our allies—as well as our adversaries—creates the opportunity for peaceful resolution of differences. I do not think that anyone would say that Mr. Shultz is soft on communism because he talked to Daniel Ortega. Likewise, it can hardly be argued that those who have urged this dialog are naive about Marxism in this hemisphere. We can be strong against and opposed to communism, but we can still talk.

Mr. Speaker, it is my hope that the recent efforts of Secretary Shultz will lead to an ongoing dialog and an eventual breakthrough with the leaders of Nicaragua—and it is also my hope that it will bring to an end the inflammatory rhetoric we have seen on this floor in recent weeks.

CONGRATULATIONS TO PRESIDENT AND SECRETARY OF STATE FOR GOING THE EXTRA MILE

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, I want to congratulate the President and Secretary of State Shultz for going the extra mile to seek accommodation rather than confrontation with our adversaries.

I was privileged to be with Secretary Shultz Friday when he diverted from his trip to President Duarte's inauguration in El Salvador to meet Nicaraguan leaders on their own soil.

It was a bold and imaginative stroke of diplomacy that could change the course of history in Central America.

On Monday, President Reagan speaking to the Irish Parliament made an eloquent overture to the Soviet Union to return to the empty chair at the nuclear arms talks in Geneva.

It takes two to negotiate, Mr. Speaker, but I am proud that we have an administration that has seized the initiative for peace and extended an olive branch to our enemies. Let us hope that they will respond.

URGENT NEED OF FOOTWEAR INDUSTRY FOR RELIEF FROM IMPORTS

(Mr. SUNDQUIST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNDQUIST. Mr. Speaker, I come before you today to discuss the urgent need of the U.S. footwear industry for relief from imports of non-rubber footwear.

As a member of the Congressional Footwear Caucus I have become increasingly alarmed about the adverse impact imports have had on our domestic nonrubber footwear industry. For this reason, I recently submitted a statement to the International Trade Commission regarding the section 201 petition filed by the industry. This petition requests that the Commission recommend import relief in the form of quantitative restrictions on nonrubber footwear from all sources for a 5-year period. During this relief period the industry would have ample time to make needed reforms in order to regain an equitable share of the domestic market.

Mr. Speaker, statistics readily show the disastrous state our nonrubber footwear industry is experiencing. Over the last 15 years production has dropped almost 50 percent due to import penetration. More recently, in 1975 production capacity was 598.2 million pairs of shoes. Yet in 1982, this capacity had dropped to 466 million and over a quarter of that capacity was idle. An even more alarming production statistic reveals that in 1983 the domestic footwear industry produced 341 million pairs of shoes, representing the lowest level recorded since the Great Depression.

In my congressional district, a predominantly rural area in west Tennessee there are over 15 shoe factories. Over half of these factories make up either the first, second, or third leading employer in their respective county. I cannot emphasize enough, just how vital these factories are to the economic health and well-being of these small communities. If imports continue to grow, many of those who will be laid off will have little or no chance of finding other employment.

As you can see, the need for import relief is real. I am hopeful that ITC's decision will be favorable so that assurances and certainty can be given to the thousands of American shoe workers regarding their jobs.

□ 1210

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ACT OF 1984

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 540) to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Institute of Arthritis and Musculoskeletal and Skin Diseases Act of 1984".

SEC. 2. (a) Title IV of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART J—NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

"ESTABLISHMENT OF INSTITUTE

"SEC. 481. There is established in the Public Health Service a National Institute of Arthritis and Musculoskeletal and Skin Diseases (hereafter in this part referred to as the 'Institute'). The Institute shall be headed by a Director.

"PURPOSE OF THE INSTITUTE

"SEC. 482. (a) The purpose of the Institute is the conduct and support of research and training, the dissemination of health information, and related programs with respect to arthritis and musculoskeletal and skin diseases, including sports-related disorders.

"(b)(1) Within one hundred and eighty days after the effective date of this part, the Director of the Institute, with the advice of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council established pursuant to section 485 (hereafter referred to in this part as the Advisory Council), shall prepare and transmit to the Director of the National Institutes of Health a plan for a national arthritis and musculoskeletal diseases program to expand, intensify, and coordinate the activities of the Institute respecting arthritis and musculoskeletal diseases. The program shall be coordinated with the other national research institutes of the National Institutes of Health to the extent that such institutes have responsibilities respecting arthritis and musculoskeletal diseases, and shall, at least, provide for—

"(A) investigation into the epidemiology, etiology, and prevention of all forms of arthritis and musculoskeletal diseases, including sports-related disorders, primarily through the support of basic research in such areas as immunology, genetics, biochemistry, microbiology, physiology, bioengineering, and any other scientific discipline which can contribute important knowledge

to the treatment and understanding of arthritis and musculoskeletal diseases;

"(B) research into the development, trial, and evaluation of techniques, drugs, and devices used in the diagnosis, treatment, including medical rehabilitation and prevention of arthritis and musculoskeletal diseases;

"(C) research on the refinement, development, and evaluation of technological devices that will replace or be a substitute for damaged bone, muscle, and joints and other supporting structures; and

"(D) the establishment of mechanisms to monitor the causes of athletic injuries and identify ways of preventing such injuries on scholastic athletic fields.

"(2) The plan transmitted pursuant to paragraph (1) shall include such comments and recommendations as the Director of the Institute determines appropriate.

"(3) The Director of the Institute shall carry out the national arthritis and musculoskeletal diseases program in accordance with the plan prepared under paragraph (1). The Director of the Institute shall periodically review and revise such plan, shall transmit any revisions of such plan to the Director of the National Institutes of Health, and shall carry out the national arthritis and musculoskeletal diseases program in accordance with such revisions.

"(c) Within one hundred and eighty days after the effective date of this part, and annually thereafter, the Director of the Institute shall, with the advice of the Advisory Council, prepare and transmit to the Director of the National Institutes of Health a report which evaluates the skin diseases programs carried out by the national research institutes on the effective date of this part and which contains such comments and recommendations concerning such programs as the Director of the Institute determines appropriate.

"(d) The Director of the Institute shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 472) in the diagnosis, prevention, and treatment of arthritis and musculoskeletal and skin diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.

"INFORMATION CLEARINGHOUSE AND DATA SYSTEM

"Sec. 483. (a) The Director of the Institute shall establish the National Arthritis and Musculoskeletal and Skin Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with arthritis and musculoskeletal and skin diseases, including where possible, data involving general populations for the purpose of detection of individuals with a risk of developing arthritis and musculoskeletal and skin diseases. There are authorized to be appropriated to carry out this subsection \$1,000,000 for the fiscal year ending September 30, 1985, \$1,500,000 for the fiscal year ending September 30, 1986, and \$1,800,000 for the fiscal year ending September 30, 1987.

"(b) The Director of the Institute shall establish the National Arthritis and Musculoskeletal and Skin Diseases Information Clearinghouse to facilitate and enhance, through the effective dissemination of in-

formation, knowledge and understanding of arthritis and musculoskeletal and skin diseases by health professionals, patients, and the public. There are authorized to be appropriated to carry out this subsection \$1,000,000 for the fiscal year ending September 30, 1985, \$1,500,000 for the fiscal year ending September 30, 1986, and \$1,800,000 for the fiscal year ending September 30, 1987.

"INTERAGENCY COORDINATING COMMITTEES

"Sec. 484. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to arthritis, musculoskeletal diseases, and skin diseases, including sports-related disorders; and

"(2) coordinating the aspects of all Federal health programs and activities relating to arthritis, musculoskeletal diseases, and skin diseases in order to assure the adequacy and technical soundness of such programs and activities and in order to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

the Secretary shall establish an Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and a Skin Diseases Interagency Coordinating Committee (hereafter in this section individually referred to as a 'Committee').

"(b) Each Committee shall be composed of the Directors (or their designees) of each of the national research institutes and divisions involved in research regarding the diseases with respect to which the Committee is established, the Chief Medical Director of the Veterans' Administration (or the Director's designee), a medical officer designated by the Secretary of Defense, and representatives of all other Federal departments and agencies (as determined by the Secretary) whose programs involve health functions or responsibilities relevant to arthritis and musculoskeletal diseases or skin diseases, as the case may be. Each Committee shall be chaired by the Director of the National Institutes of Health (or the Director's designee). Each Committee shall meet at the call of the Chairman, but not less often than four times a year.

"(c) Not later than one hundred and twenty days after the end of each fiscal year, each Committee shall prepare and transmit to the Secretary, the Director of the National Institutes of Health, the Director of the Institute, and the Advisory Council a report detailing the activities of the Committee in such fiscal year in carrying out paragraphs (1) and (2) of subsection (a).

"NATIONAL ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ADVISORY COUNCIL

"Sec. 485. (a) The Secretary shall establish a National Arthritis and Musculoskeletal and Skin Diseases Advisory Council to advise, consult with, and make recommendations to the Secretary with respect to the activities of the Institute relating to arthritis and musculoskeletal and skin diseases.

"(b) The Advisory Council shall consist of the Secretary, who shall be chairman, the chief medical officer of the Veterans' Administration (or such officer's designee), and a medical officer designated by the Secretary of Defense, each of whom shall be ex officio members, and twelve members appointed by the Secretary without regard to the civil service laws. The twelve members appointed by the Secretary shall be leaders in the fields of basic sciences, medical sciences, education, or nursing, and individuals from the public who are knowledgeable with

respect to arthritis and musculoskeletal and skin diseases. Six of the members appointed by the Secretary shall be selected from leading medical or scientific authorities who are outstanding in the study, diagnosis, or treatment of arthritis and musculoskeletal and skin diseases.

"(c)(1) Each member of the Advisory Council who is appointed by the Secretary shall be appointed for a term of four years, except that—

"(A) the term of office of the members first appointed shall expire, as determined by the Secretary at the time of appointment, three at the end of one year, three at the end of two years, three at the end of three years, and three at the end of four years; and

"(B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

"(2) None of the members appointed to the Advisory Council by the Secretary shall be eligible for reappointment unless a year has elapsed since the end of the prior term of such member on the Council.

"ARTHRITIS AND MUSCULOSKELETAL DISEASES DEMONSTRATION PROJECTS

"Sec. 486. (a) The Secretary may make grants to public and private nonprofit entities to establish and support projects for the development and demonstration of methods for screening, detection, and referral for treatment of arthritis and musculoskeletal diseases, and for the dissemination of information on such methods to the health and allied health professions. Activities under such projects shall be coordinated with Federal, State, local, and regional health agencies, centers assisted under section 487, and the data system established under subsection (c).

"(b) Projects supported under this section shall include—

"(1) programs which emphasize the development and demonstration of new and improved methods of screening and early detection, referral for treatment, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) programs which emphasize the development and demonstration of new and improved methods for patient referral from local hospitals and physicians to appropriate centers for early diagnosis and treatment;

"(3) programs which emphasize the development and demonstration of new and improved means of standardizing patient data and recordkeeping;

"(4) programs which emphasize the development and demonstration of new and improved methods of dissemination of knowledge about the programs, methods, and means referred to in paragraphs (1), (2), and (3) of this subsection to health and allied health professionals;

"(5) programs which emphasize the development and demonstration of new and improved methods for the dissemination to the general public of information—

"(A) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(B) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive treatment, and control methods for arthritis and unapproved and ineffective drugs and devices for arthritis and musculoskeletal diseases; and

"(6) projects for investigation into the epidemiology of all forms and aspects of arthritis and musculoskeletal diseases, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of arthritis and musculoskeletal diseases.

"(c) The Director shall provide for the standardization of patient data and record-keeping for the collection, storage, analysis, retrieval, and dissemination of such data in cooperation with projects under this section and centers assisted under section 487, and other persons engaged in arthritis and musculoskeletal disease programs.

"(d) There are authorized to be appropriated to carry out this section \$5,000,000 for the fiscal year ending September 30, 1985, and for each of the two succeeding fiscal years.

"MULTIPURPOSE ARTHRITIS AND MUSCULOSKELETAL DISEASES CENTERS"

"SEC. 487. (a) The Director of the Institute shall, after consultation with the Advisory Council established pursuant to section 485, provide for the development, modernization, and operation (including staffing and other operating costs such as the costs of patient care required for research) of new and existing centers for arthritis and musculoskeletal diseases. For purposes of this section, the term 'modernization' means the alteration, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment for such buildings to the extent necessary to make them suitable for use as centers described in the preceding sentence.

"(b) Each center assisted under this section shall—

"(1)(A) use the facilities of a single institution or a consortium of cooperating institutions, and (B) meet such qualifications as may be prescribed by the Secretary; and

"(2) conduct—

"(A) basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of arthritis and musculoskeletal diseases and complications resulting from arthritis and musculoskeletal diseases, including research into implantable biomaterials and biomechanical and other orthopedic procedures;

"(B) training programs for physicians, scientists, and other health and allied health professionals;

"(C) information and continuing education programs for physicians and other health and allied health professionals who provide care for patients with arthritis and musculoskeletal diseases; and

"(D) programs for the dissemination to the general public of information—

"(i) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(ii) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices.

A center may use funds provided under subsection (a) to provide stipends for health professionals enrolled in training programs described in paragraph (2)(B).

"(c) Each center assisted under this section may conduct programs to—

"(1) establish the effectiveness of new and improved methods of detection, referral, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) disseminate the results of research, screening, and other activities, and develop means of standardizing patient data and recordkeeping; and

"(3) develop community consultative services to facilitate the referral of patients to centers for treatment.

"(d) The Director of the Institute shall, insofar as practicable, provide for an equitable geographical distribution of centers assisted under this section. The Director shall give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis and musculoskeletal diseases.

"(e) Support of a center under this section may be for a period of not to exceed five years. Such period may be extended by the Director of the Institute for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate scientific review group established by the Director and such scientific review group has recommended to the Director that support of such center under this section should be extended.

"(f) There are authorized to be appropriated to carry out this section \$12,000,000 for the fiscal year ending September 30, 1985, \$15,000,000 for the fiscal year ending September 30, 1986, and \$18,000,000 for the fiscal year ending September 30, 1987.

"BIENNIAL REPORT"

"SEC. 488. (a) The Director of the Institute shall prepare and transmit to the Secretary, for transmission by the Secretary to the President and the Congress, a biennial report containing a description of the Institute's activities under the plan developed pursuant to section 482(b), a description of the Institute's activities to carry out the recommendations contained in the two immediately preceding annual reports prepared pursuant to section 482(c), and an evaluation of the activities of the centers supported under section 487.

"(b) The first report under subsection (a) shall be transmitted by the Director to the Secretary not later than the first November 30 which occurs at least eighteen months after the date of the enactment of this section and shall relate to the two-fiscal-year period ending on the preceding September 30."

(b)(1) Section 431(a) is amended by striking out "arthritis, rheumatism, and".

(2)(A) Section 434(a) is amended—

(i) by striking out "Arthritis, Rheumatism, and"; and

(ii) by striking out "Arthritis, Diabetes," each place it appears and inserting in lieu thereof "Diabetes".

(B) Section 434(b) is amended—

(i) by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes"; and

(ii) by striking out "an Associate Director for Arthritis and Musculoskeletal and Skin Diseases."

(C) Section 434(c) is amended—

(i) by striking out "a subcommittee on arthritis and musculoskeletal and skin diseases," in the first sentence; and

(ii) by striking out "arthritis, musculoskeletal and skin diseases," in the last sentence.

(D) Section 434(d) is amended—

(i) by striking out "the Associate Director for Arthritis and Musculoskeletal and Skin Diseases," in the matter preceding paragraph (1); and

(ii) by striking out "arthritis, musculoskeletal and skin diseases," in paragraph (1).

(E) Section 434(e) is amended by striking out paragraph (1) and by redesignating

paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(F) The section heading of section 434 is amended by striking out "ARTHRITIS, DIABETES," and inserting in lieu thereof "DIABETES".

(3)(A) Section 436(a) is amended—

(i) by striking out "arthritis, diabetes mellitus," in paragraph (1) and inserting in lieu thereof "diabetes mellitus";

(ii) by striking out "an Arthritis Interagency Coordinating Committee," in the matter following paragraph (2); and

(iii) by striking out the comma before "and a Digestive Diseases" in the matter following paragraph (2).

(B) Section 436(b) is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(4)(A) Section 437(k) is amended by striking out "and" after "1982;" and by inserting before the period a semicolon and "\$300,000 for the fiscal year ending September 30, 1985; \$300,000 for the fiscal year ending September 30, 1986; and \$300,000 for the fiscal year ending September 30, 1987".

(B) Section 437(l) is amended by striking out "1983" and inserting in lieu thereof "1987".

(5) Sections 438 and 439 are repealed.

(6) Section 440 is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(7) The second sentence of section 440A(a) is amended by striking out "Arthritis, Metabolism," and inserting in lieu thereof "Diabetes".

(8) The part heading for part D of title IV is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(c)(1) There are transferred to the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section) all functions of the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (as in effect on the day before the effective date of this subsection) relating to arthritis and musculoskeletal and skin diseases.

(2) In order that the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section) may carry out programs and activities relating to arthritis and musculoskeletal and skin diseases at levels which are equivalent to the levels of programs and activities carried out with respect to arthritis and musculoskeletal and skin diseases by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases on the day before the effective date of this subsection, the Secretary shall transfer to the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section) the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available, in connection with the functions transferred by paragraph (1) of this subsection and the programs and activities relating to arthritis and musculoskeletal and skin diseases carried out by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Dis-

eases on the day before the effective date of this subsection.

(3) The National Arthritis Advisory Board is terminated.

(d) The provisions of subsections (a), (b), and (c) of this section and the amendments and repeals made by such subsections shall take effect on October 1, 1984.

(e)(1)(A) The Secretary of Health and Human Services, through the Director of the National Institutes of Health, shall in accordance with paragraph (2) arrange for the conduct of a study concerning—

(i) the effectiveness of the organization and administrative structures of each of the national research institutes existing on the date of enactment of this Act and of the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section), including the effectiveness of the advisory councils, advisory boards, and interagency committees which carry out functions relating to each such institute;

(ii) the effectiveness of the combinations of disease research programs existing in each of the national research institutes on the date of enactment of this Act and in the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section); and

(iii) the standards which should be followed in establishing new national research institutes (other than the national research institutes existing on the date of enactment of this Act or the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section) or in realigning the combinations of disease research programs existing in each of the national research institutes on the date of enactment of this Act and in the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section).

(B) Within eighteen months after the date of enactment of this Act, the Secretary shall submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the study conducted under this paragraph and the results and conclusions of such study.

(2)(A) The Secretary of Health and Human Services shall request the National Academy of Sciences to conduct the study required by paragraph (1)(A) under an arrangement under which the actual expenses incurred by the Academy in conducting such study will be paid by the Secretary and the Academy will prepare the report required by paragraph (1)(B). If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with the Academy for the conduct of the study.

(B) If the National Academy of Sciences is unwilling to conduct the study required under paragraph (1)(A) under the type of arrangement described in subparagraph (A) of this paragraph, the Secretary shall enter into a similar arrangement with other appropriate nonprofit private entities.

(3) Prior to the expiration of a period beginning six months after the submission of the report required under paragraph (1)(B), and notwithstanding section 431(b) of the

Public Health Service Act, no national research institute shall be established in addition to the institutes established on the date of the enactment of this Act and the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section).

(f) The Secretary of Health and Human Services shall conduct an administrative review of the disease research programs within the National Institute of Diabetes and Digestive and Kidney Diseases to determine if any such program could be more effectively and efficiently managed by other national research institutes. The Secretary shall complete such review within sixty days after the date of enactment of this Act.

Sec. 3. Section 2(d)(1) of the Technology Assessment Act of 1972 (Public Law 92-484; 2 U.S.C. 471 (d)(1)) is amended by inserting after "biological," the following: "ethical."

Sec. 4. Section 3(c) of such Act (2 U.S.C. 472(c)) is amended by—

(1) redesignating clauses (4) through (8) as clauses (5) through (9), respectively; and

(2) inserting after clause (3) the following: "(4) identify existing or probable ethical implications of technology or technological programs;"

Sec. 5. Section 11 of such Act (2 U.S.C. 480) is amended to read as follows:

"Sec. 11. (a) The Office shall submit to the Congress an annual report which shall include—

"(1) an evaluation of technology assessment techniques;

"(2) an identification, insofar as may be feasible, of technological areas and programs requiring future analysis;

"(3) an identification of current issues relating to medicine, biomedical research, and behavioral research (including the protection of human subjects of biomedical or behavioral research) which have ethical implications for technology; and

"(4) an identification of technological areas and programs which have significant ethical implications requiring future analysis.

"(b) Such report shall be submitted not later than March 15 of each year."

Sec. 6. The Act is further amended by adding at the end thereof the following new section:

"ESTABLISHMENT OF BIOMEDICAL ETHICS ADVISORY COMMITTEE"

"Sec. 13. (a) The Office shall establish a Biomedical Ethics Advisory Committee (hereinafter referred to as the 'Committee'), to be selected with the advice and consent of the Board. The Committee shall be composed of thirteen members—

"(1) three of the members shall be appointed from individuals who are distinguished in biomedical or behavioral research;

"(2) three of the members shall be appointed from individuals who are distinguished in the practice of medicine or otherwise distinguished in the provision of health care;

"(3) five of the members shall be appointed from individuals who are distinguished in one or more of the fields of ethics, theology, law, the natural sciences (other than a biomedical or behavioral science), the social sciences, the humanities, health administration, government, and public affairs; and

"(4) two of the members shall be appointed from individuals who are representative of citizens with an interest in biomedical ethics but who possess no specific expertise.

"(b) The Committee shall—

"(1) review and make recommendations to the Board on activities undertaken by the Office or on the initiation of activities, in accordance with section 3(d);

"(2) review and make recommendations to the Board on the findings of any assessment made by or for the Office; and

"(3) undertake such additional related tasks as the Board may direct.

"(c) The Committee by majority vote, shall elect from its members a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Committee may prescribe. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall act as Chairman.

"(d) The term of office of each member of the Committee shall be four years except that any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. No person shall be appointed a member of the Committee more than twice. Terms of the members shall be staggered so as to establish a rotating membership according to such method as the Board may devise.

"(e) The members of the Committee shall receive no pay for their services as members of the Committee, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence at not to exceed the rate prescribed in sections 5702 and 5704 of title 5), and other necessary expenses incurred by them in the performance of duties vested in the Committee, without regard to the provisions of subchapter 1 of chapter 57 and section 5731 of title 5, and regulations promulgated thereunder."

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate bill be considered as read, printed in the RECORD, and open to amendment at any point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DINGELL: Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE; REFERENCE TO ACT; AND TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Health Research Extension Act of 1983".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Public Health Service Act.

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REVISION OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

- SEC. 2. Title IV of the Public Health Service Act is amended to read as follows:

"TITLE IV—NATIONAL RESEARCH INSTITUTES

"PART A—NATIONAL INSTITUTES OF HEALTH

"ORGANIZATION OF NIH

"Sec. 401. (a) The National Institutes of Health is an agency of the Service.

"(b)(1) The following national research institutes are agencies of the National Institutes of Health:

"(A) The National Cancer Institute.

"(B) The National Heart, Lung, and Blood Institute.

"(C) The National Institute of Diabetes and Digestive and Kidney Diseases.

"(D) The National Institute of Arthritis and Musculoskeletal Diseases.

"(E) The National Institute on Aging.

"(F) The National Institute of Allergy and Infectious Diseases.

"(G) The National Institute of Child Health and Human Development.

"(H) The National Institute of Dental Research.

"(I) The National Eye Institute.

"(J) The National Institute of Neurological and Communicative Disorders and Stroke.

"(K) The National Institute of General Medical Sciences.

"(L) The National Institute of Environmental Health Sciences.

"(M) The National Institute of Nursing.

"(2) The following entities are agencies of the National Institutes of Health:

"(A) The Division of Research Resources.

"(B) The National Library of Medicine.

"(C) The John E. Fogarty International Center for Advanced Study in the Health Sciences.

"(3) The Secretary may establish in the National Institutes of Health one or more additional national research institutes to conduct and support research, training, health information, and related programs relating to any particular disease or groups of diseases or any other aspect of human health if—

"(A) the Secretary determines that an additional institute is necessary to carry out such activities; and

"(B) the additional institute is not established before the expiration of sixty days after the Secretary has provided the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate written notice of the determination, described in subparagraph (A), made with respect to the institute.

"(c) For purposes of this title, the term 'national research institute' means a national research institute referred to in subsection (b)(1) or established under subsection (b)(3).

"APPOINTMENT AND AUTHORITY OF DIRECTOR OF NIH

"Sec. 402. (a) The National Institutes of Health shall be headed by the Director of the National Institutes of Health (hereinafter in this title referred to as the 'Director of NIH') who shall be appointed by the President by and with the advice and consent of the Senate. The Director of NIH shall perform functions as provided under subsection (b) and as the Secretary may otherwise prescribe.

"(b) In carrying out the purposes of section 301, the Secretary, acting through the Director of NIH—

"(1) shall be responsible for the overall direction of the National Institutes of Health and for the establishment and implementa-

tion of general policies respecting the management and operation of programs and activities within the National Institutes of Health;

"(2) shall coordinate and oversee the operation of the national research institutes and other administrative entities within the National Institutes of Health;

"(3) shall assure that research at the National Institutes of Health is subject to review in accordance with section 484(b);

"(4) for the national research institutes and administrative entities within the National Institutes of Health—

"(A) may—

"(i) acquire and construct; and

"(ii) improve, repair, operate, and maintain;

laboratories, other research facilities, other facilities, equipment, and other real or personal property (including patents); and

"(B) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for use for a period not to exceed ten years;

"(5) may secure resources for research conducted by or through the National Institutes of Health;

"(6) may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups as are needed to carry out the requirements of this title and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service on such groups;

"(7) may secure for the National Institutes of Health consultation services and advice of persons from the United States or abroad;

"(8) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(9) may, for purposes of study, admit and treat at facilities of the National Institutes of Health individuals not otherwise eligible for such treatment;

"(10) may accept voluntary and uncompensated services; and

"(11) may perform such other administrative functions as the Secretary determines are needed to carry out effectively this title. The Federal Advisory Committee Act does not apply to the duration of a peer review group appointed under paragraph (5), and the Office of Management and Budget shall not exercise any authority under such Act with respect to such a group.

"(c) The Director of NIH may make available to individuals and entities, for biomedical and behavioral research, substances and living organisms. Such substances and organisms shall be made available under such terms and conditions (including payment for them) as the Secretary determines appropriate.

"(d)(1) The Director of NIH may obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of service) the services of not more than two hundred ex-

perts or consultants, with scientific or other professional qualifications, for the National Institutes of Health.

"(2)(A) Except as provided in subparagraph (B), experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed, in accordance with title 5, United States Code, for their travel and other expenses associated with their assignment.

"(B) Expenses specified in subparagraph (A) shall not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1) unless the expert or consultant has agreed in writing to complete the entire period of the assignment or one year of the assignment, whichever is shorter, unless separated or reassigned for reasons which are beyond the control of the expert or consultant and which are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for such expenses is recoverable from the expert or consultant as a debt due the United States.

"(e)(1) The Director of NIH shall establish a plan for—

"(A) research to be conducted by or through the National Institutes of Health and the national research institutes into methods of biomedical research and experimentation—

"(i) which do not require the use of animals;

"(ii) which reduce the number of animals used in such research; or

"(iii) which produce less pain and distress in such animals than methods currently in use;

"(B) establishing the validity and reliability of the methods described in subparagraph (A);

"(C) the development of such methods which have been found to be valid and reliable; and

"(D) the training of scientists in the use of such methods.

The plan required by this paragraph shall be prepared not later than June 1, 1984.

"(2) The Director of NIH shall take such actions as may be appropriate to convey to scientists and others involved with research or experimentation involving animals information respecting the methods found to be valid and reliable under paragraph (1)(A).

"(3) The Director of NIH shall establish within the National Institutes of Health an Interagency Coordinating Committee to assist the Director of NIH in the development of the plan required by paragraph (1). The Director of each national research institute (or his designee) shall serve on the Committee.

"(f) The Director of NIH shall—

"(1) advise the agencies of the National Institutes of Health on medical applications of research;

"(2) coordinate, review, and facilitate the systematic identification and evaluation of, clinically relevant information from research conducted by or through the national research institutes;

"(3) promote the effective transfer of the information described in paragraph (2) to the health care community and to entities that require such information; and

"(4) monitor the effectiveness of the activities described in paragraph (3).

"(g) The Director of NIH and the director of any national research institute may not conduct or support research or experimentation, in the United States or abroad, on a living human fetus or infant, before an

abortion which the researcher involved knows or has reason to know is intended or after an abortion, unless the research or experimentation is for the purpose of improving the probability of the survival of, or ameliorating developmental or congenital defects in, such infant.

"NATIONAL INSTITUTES OF HEALTH ADVISORY BOARD

"Sec. 403. (a) The Secretary shall appoint a National Institutes of Health Advisory Board (hereinafter in this section referred to as the 'Advisory Board'). The Advisory Board shall, as the Secretary or the Director of NIH deems appropriate, advise, consult with, and make recommendations to the Secretary or the Director of NIH with respect to the functions under section 402.

"(b)(1) The Advisory Board shall consist of not more than eighteen members. Two thirds of the members shall be appointed by the Secretary from among the leading representatives of the health and scientific disciplines and of those members at least one third shall be experts in public health or the behavioral or social sciences. At least one third of the members shall be appointed by the Secretary from leaders in the fields of public policy, law, health policy, economics, and management and of those members one member appointed by the Secretary from the general public. The Advisory Board shall include such ex officio members as the Secretary may designate to assist the Advisory Board in carrying out its functions.

"(2) Members of the Advisory Board who are officers or employees of the United States shall not receive any compensation for service on the Advisory Board. The other members of the Advisory Board shall receive, for each day they are engaged in the performance of the functions of the Advisory Board, compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime.

"(c) The term of office of an appointed member of the Advisory Board is four years, except that the Secretary shall stagger the terms of the members first appointed so that not more than one third of the members' terms will expire in any one year. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. A member who has been appointed for a term of four years may not be reappointed to the Advisory Board before two years from the date of the expiration of such term of office. If a vacancy occurs in the Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(d) The chairman of the Advisory Board shall be selected by the Secretary from among the appointed members, except that the Secretary may select the Director of NIH to be the chairman of the Advisory Board. The term of office of the chairman shall be two years.

"(e) The Advisory Board shall meet at the call of the chairman or upon the request of the Director of NIH, but at least three times in each fiscal year. The location of the meetings of the Advisory Board is subject to the approval of the Director of NIH.

"(f) The Director of NIH shall designate a member of the staff of the National Institutes of Health to serve as the executive sec-

retary of the Advisory Board. The Director of NIH shall make available to the Advisory Board such staff assistants, information, and other assistance as it may require to carry out its functions. The Director of NIH shall provide orientation and training for new members of the Advisory Board to provide them with such information and training as may be appropriate for their effective participation in the functions of the Advisory Board.

"(g) In carrying out its functions the Advisory Board may appoint subcommittees with the approval of the Director of NIH.

"(h) The Advisory Board may prepare, for inclusion in the biennial report under section 404, a biennial report respecting the activities of the Advisory Board and including its recommendations respecting the program policies of the Secretary and the Director of NIH.

"REPORT OF DIRECTOR OF NIH

"SEC. 404. The Secretary shall transmit to the President and to the Congress a biennial report which shall be prepared by the Director of NIH and which shall consist of—

"(1) a description of the activities carried out through the National Institutes of Health and the policies respecting the programs of the National Institutes of Health and such recommendations respecting such policies as the Secretary deems appropriate;

"(2) without revision, any biennial report of the National Institutes of Health Advisory Board; and

"(3) the biennial reports of the Directors of each of the national research institutes. The first report under this section shall be submitted not later than the first November 30 which occurs at least eighteen months after the date of the enactment of this section and shall relate to the two-fiscal-year period ending on the preceding September 30.

"CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION AND DISEASE PREVENTION

"SEC. 405. (a) The Director of NIH shall establish and maintain Centers for Research and Demonstration of Health Promotion and Disease Prevention to undertake research and demonstration projects in health promotion, disease prevention, and improved methods of appraising health hazards and risk factors. The centers shall serve as demonstration sites for the use of new and innovative research in public health techniques to prevent chronic diseases.

"(b) Each center assisted under this section shall—

"(1) be located in an academic health center with—

"(A) a multidisciplinary public health faculty which has demonstrated working relationships with relevant groups in such fields as medicine, dentistry, nutrition, psychology, nursing, social work, pharmacy, education, and business;

"(B) graduate training programs relevant to disease prevention;

"(C) core faculty in epidemiology, biostatistics, social sciences, behavioral and environmental health sciences, and health administration;

"(D) demonstrated core medical school curriculum in disease prevention;

"(E) residency training capability in public health and preventive medicine; and

"(F) such other qualifications as the Secretary may prescribe.

"(2) conduct—

"(A) health promotion and disease prevention research on retrospective and longitudi-

nally prospective bases in population groups and communities;

"(B) demonstration projects for the delivery of health promotion and disease prevention services to defined population groups using, as appropriate, community outreach and organization techniques and other methods of educating and motivating communities; and

"(C) evaluation studies on the efficacy of its demonstration projects.

"(c) During fiscal year 1984 ten centers shall be established under subsection (a); during fiscal year 1985 an additional ten centers shall be established under such subsection; and during fiscal year 1986 an additional five centers shall be established under such subsection. Such centers shall be distributed geographically as well as within areas containing a wide range of population groups which exhibit disease incidences which are most amenable to preventive intervention.

"PART B—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

"APPOINTMENT AND AUTHORITY OF THE DIRECTORS OF THE NATIONAL RESEARCH INSTITUTES

"SEC. 407. (a) The Director of the National Cancer Institute shall be appointed by the President, and the Directors of the other national research institutes shall be appointed by the Secretary.

"(b)(1) In carrying out the purposes of section 301 with respect to the human disease or disorder or other aspect of human health for which the institutes were established, the Secretary, acting through the Director of each national research institute—

"(A) shall encourage and support research, investigations, experiments, demonstrations, and studies in the health sciences related to—

"(i) the maintenance of health;

"(ii) the detection, diagnosis, treatment, and prevention of human diseases and other disorders;

"(iii) the rehabilitation of individuals with human diseases, disorders, and disabilities; and

"(iv) the expansion of knowledge of the processes underlying human diseases, disorders, and disabilities, the processes underlying the normal and pathological functioning of the body and its organ systems, and the processes underlying the interactions between the human organism and the environment;

"(B) may, subject to the review prescribed under section 484(b) and advisory council review prescribed by section 408(a)(3)(A)(i), conduct the research, investigations, experiments, demonstrations, and studies referred to in subparagraph (A);

"(C) may conduct and support research training (i) for which fellowship support is not provided under section 479, and (ii) which is not residency training of physicians or other health professionals;

"(D) may develop, implement, and support demonstrations and programs for the application of the results of the activities of the institute to clinical practice and disease prevention activities;

"(E) may develop, conduct, and support public and professional education and information programs;

"(F) may secure, develop and maintain, distribute, and support the development and maintenance of resources needed for research;

"(G) may make available the facilities of the institutes to appropriate entities and individuals engaged in research activities and cooperate with and assist Federal and State

agencies charged with protecting the public health;

"(H) may accept unconditional gifts made to the institutes for their activities, and, in the case of gifts of a value in excess of \$50,000, establish suitable memorials to the donor;

"(I) may secure for the institutes consultation services and advice of persons from the United States or abroad;

"(J) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(K) may accept voluntary and uncompensated services; and

"(L) may perform such other functions as the Secretary determines are needed to carry out effectively the purposes of the institutes.

The indemnification provisions of section 2354, title 10, United States Code, shall apply with respect to contracts entered into under this subsection and section 402(b).

"(2) Support for an activity or program under this subsection may be provided through grants, contracts, and cooperative agreements. The Secretary, acting through the Director of each national research institute—

"(A) may approve any contract for resources for research conducted at or through the institute, except that if the total cost of the contract to be approved exceeds \$500,000 the contract may be approved only after a peer review group authorized by regulations under section 484 has recommended approval of the contract;

"(B) may approve other contracts under paragraph (1) for research or training only if a peer review group authorized by regulations under section 484 has recommended approval of the contracts; and

"(C) may approve grants and cooperative agreements under paragraph (1) for research or training; except that—

"(i) if the direct cost of the grant or cooperative agreement to be approved does not exceed \$35,000, such grant or cooperative agreement may be approved only after appropriate technical and scientific review in accordance with section 484; and

"(ii) if the direct cost of the grant, or cooperative agreement to be approved exceeds \$35,000, such grant or cooperative agreement may be approved only after appropriate technical and scientific review in accordance with section 484 and recommendation for approval by the advisory council to the institute.

"(c) In carrying out subsection (b), each Director of a national research institute shall—

"(1) coordinate, as appropriate, the activities of the institute with similar programs of other public and private entities; and

"(2) cooperate with the Directors of other national research institutes in the development and support of multidisciplinary research and research that involves more than one institute.

"(d)(1) There shall be in each national research institute (other than the National Institute of General Medical Sciences and the National Institute of Environmental Health Sciences) an Assistant Director for Prevention to coordinate and promote the programs in the institute into the prevention of disease. The Assistant Director of an institute shall be appointed by the Director of the institute from individuals who because of their professional training or expe-

rience are experts in public health or preventive medicine.

"(2) The Assistant Director for Prevention shall prepare for inclusion in the biennial report made under section 409 a description of the prevention activities of the institute, including a description of the staff and resources allocated to those activities.

"ADVISORY COUNCILS

"Sec. 408. (a)(1) Except as provided in subsection (i), the Secretary shall appoint an advisory council for each national research institute which (A) shall advise, assist, consult with, and make recommendations to the Secretary and the Director of the institute on matters related to the activities carried out through the institute and the policies respecting such activities, and (B) shall carry out the special functions prescribed by part C.

"(2) Each advisory council for a national research institute shall recommend to the Secretary acceptance, in accordance with section 2101, of conditional gifts for study, investigation, or research respecting the disease, diseases, or other aspect of human health with respect to which the institute was established, for the acquisition of grounds, or for the construction, equipping, or maintenance of facilities for the institute.

"(3) Each advisory council for a national research institute—

"(A)(i) shall on the basis of the materials provided under section 484(b)(2) respecting research conducted at the institute, make recommendations to the Director of the institute respecting such research;

"(ii) shall review applications for grants and cooperative agreements for research or training and for which advisory council approval is required under section 407(b)(2) and recommend for approval applications for projects which show promise of making valuable contributions to human knowledge, and

"(iii) may review any grant or cooperative agreement proposed to be made or entered into;

"(B) may collect information as to studies which are being carried on in the United States or any other country as to such disease, diseases, or other aspect of human health by correspondence or by personal investigation of such studies, and with the approval of the Director of the institute make available such information through appropriate publications for the benefit of public and private health entities and health professions personnel and scientists and for the information of the general public; and

"(C) may appoint subcommittees and convene workshops and conferences.

"(b)(1) Each advisory council shall consist of ex officio members and not more than eighteen members appointed by the Secretary. The ex officio members of an advisory council shall consist of the Secretary, the Director of NIH, the Director of the national research institute for which the council is established, the Chief Medical Officer of the Veterans' Administration, a medical officer designated by the Secretary of Defense, or the designees of such persons and such additional officers or employees of the United States as the Secretary deems necessary for the advisory council to effectively carry out its functions. The members of an advisory council who are not ex officio members shall be appointed as follows:

"(A) Two thirds of the members shall be appointed from among the leading representatives of the health and scientific disciplines relevant to the activities of the insti-

tute for which the advisory council is established.

"(B) At least one third of the members shall be appointed by the Secretary from leaders in each of the fields of public policy, law, health policy, economics, and management and of those members at least one member appointed by the Secretary from the general public.

Of the members appointed under subparagraph (A) to each advisory council, not less than one third shall be experts in public health or the behavioral or social sciences.

"(2) Members of an advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The other members of an advisory council shall receive, for each day they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime.

"(c) The term of office of an appointed member of an advisory council is four years, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term and the Secretary shall make appointments to an advisory council in such a manner as to stagger the terms of the members. A member may serve after the expiration of the member's term until a successor has taken office. A member who has been appointed for a term of four years may not be reappointed to an advisory council before two years from the date of expiration of such term of office. If a vacancy occurs in the advisory council among the appointed members, the Secretary shall make an appointment to fill the vacancy within ninety days from the date the vacancy occurs.

"(d) The chairman of an advisory council shall be selected by the Secretary from among the appointed members, except that the Secretary may select the Director of the institute for which the advisory council is established to be the chairman of the advisory council. The term of office of the chairman shall be two years.

"(e) The advisory council shall meet at the call of the chairman or upon the request of the Director of the national research institute for which it was established, but at least three times each fiscal year. The location of the meetings of each advisory council is subject to the approval of the Director of the institute for which the council was established.

"(f) The Director of the national research institute for which an advisory council is established shall designate a member of the staff of the institute to serve as the executive secretary of the advisory council. The Director of such institute shall make available to the advisory council such staff assistants, information, and other assistance as it may require to carry out its functions. The Director of such institute shall provide orientation and training for new members of the advisory council to provide them with such information and training as may be appropriate for their effective participation in the functions of the advisory council.

"(g) Each advisory council may prepare, for inclusion in the biennial report made under section 404, (1) comments respecting the activities of the advisory council in the fiscal years respecting which the report is prepared, (2) comments on the progress of the national research institute for which it was established in meeting its objectives, and (3) recommendations respecting the

future directions and program and policy emphasis of the institute.

"(h)(1) Except as provided in paragraph (2), this section does not terminate the membership of any advisory council to a national research institute which was in existence on the date of the enactment of the Health Research Act of 1983. After such date—

"(A) the Secretary shall make appointments to each such advisory council in such a manner as to bring about as soon as practicable the composition prescribed by this section;

"(B) each advisory council shall organize itself in accordance with this section and exercise the functions prescribed by this section; and

"(C) the Director of each national research institute shall perform for such advisory council the functions prescribed by this section.

"(2)(A) This section applies to the National Cancer Advisory Board, the advisory council for the National Cancer Institute, except that (i) appointments to such Board shall be made by the President, (ii) of the members appointed to the Board not less than five members shall be individuals knowledgeable in environmental carcinogenesis (including carcinogenesis involving occupational and dietary factors), (iii) the chairman of the Board shall be selected by the President from the appointed members and shall serve as chairman for a term of two years, (iv) the ex officio members of the Board shall be the Secretary, the Director of the Office of Science and Technology Policy, the Director of NIH, the chief medical officer of the Veterans' Administration, the Director of the National Institute for Occupational Safety and Health, the Director of the National Institute of Environmental Health Sciences, the Secretary of Labor, the Commissioner of the Food and Drug Administration, the Administrator of the Environmental Protection Agency, the Chairman of the Consumer Product Safety Commission or the designees of such persons, and a medical officer designated by the Secretary of Defense, and (v) the Board shall meet at least four times each fiscal year.

"(B) This section applies to the advisory council to the National Heart, Lung, and Blood Institute, except that the advisory council shall meet at least four times each fiscal year.

"BIENNIAL REPORT

"Sec. 409. The Director of each national research institute, after consultation with the advisory council to the institute, shall prepare for inclusion in the biennial report made under section 404 a biennial report which shall consist of a description of the activities and program policies of the Director of the institute in the fiscal years respecting which the report is prepared and the biennial report made under section 407(d)(2). The Director of each institute shall provide the advisory council of the institute an opportunity for the submission of the written comments referred to in section 408(g).

"AUTHORIZATIONS OF APPROPRIATIONS

"Sec. 410. (a) In addition to amounts otherwise authorized to be appropriated under this title for the National Institutes of Health, the following amounts are authorized to be appropriated:

"(1) For Centers for Research and Demonstrations of Health Promotion and Disease Prevention under section 405, there are authorized to be appropriated \$10,000,000 for

fiscal year 1984, \$20,000,000 for fiscal year 1985, and \$25,000,000 for fiscal year 1986.

"(2)(A) For the National Cancer Institute (other than its programs under sections 413 and 415), there are authorized to be appropriated \$1,163,000,000 for fiscal year 1984, \$1,221,000,000 for fiscal year 1985, and \$1,300,000,000 for fiscal year 1986.

"(B) There are authorized to be appropriated for the programs under section 413, \$64,000,000 for fiscal year 1984, \$74,000,000 for fiscal year 1985, and \$84,000,000 for fiscal year 1986.

"(3)(A) For the National Heart, Lung, and Blood Institute (other than its programs under section 422), there are authorized to be appropriated \$659,000,000 for fiscal year 1984, \$756,000,000 for fiscal year 1985, and \$865,000,000 for fiscal year 1986. Of the sums appropriated under this subsection for any fiscal year, not less than 15 per centum for such sums shall be reserved for programs respecting diseases of the lung and not less than 15 per centum of such sums shall be reserved for programs respecting blood diseases and blood resources.

"(B) For the programs under section 422, there are authorized to be appropriated \$54,000,000 for fiscal year 1984, \$62,000,000 for fiscal year September 30, 1985, and \$71,000,000 for fiscal year 1986.

"(4)(A) For the National Diabetes Advisory Board and the National Digestive Diseases Advisory Board and for the advisory board established under section 448, there are authorized to be appropriated \$400,000 for fiscal year 1984, \$400,000 for fiscal year 1985, and \$400,000 for fiscal year 1986.

"(B) For diabetes research and training centers under section 436, there are authorized to be appropriated \$16,000,000 for fiscal year 1984, \$18,000,000 for fiscal year 1985, and \$20,000,000 for fiscal year 1986.

"(5)(A) For grants for arthritis and musculoskeletal diseases demonstration projects under section 446(a), there are authorized to be appropriated \$2,000,000 for fiscal year 1984, and for each of the next two fiscal years.

"(B) For multipurpose arthritis and musculoskeletal diseases centers under section 447, there are authorized to be appropriated \$15,000,000 for fiscal year 1984, \$18,000,000 for fiscal year 1985, and \$21,000,000 for fiscal year 1986.

"(6) For the National Diabetes Data System and the National Diabetes Information Clearinghouse under section 332 and the data system and clearinghouse under section 444, there are authorized to be appropriated \$1,000,000 for fiscal year 1984, \$1,100,000 for fiscal year 1985, and \$1,200,000 for fiscal year 1986.

"(b)(1) Except as provided in paragraph (2), the sum of the amounts appropriated for any fiscal year for administrative expenses of the National Institutes of Health and its agencies may not exceed an amount which is 5.5 percent of the total amount appropriated for such fiscal year for the National Institutes of Health and its agencies to which this paragraph applies.

"(2) Paragraph (1) does not apply to the National Library of Medicine, the John E. Fogarty International Center for Advanced Study in the Health Sciences, and the Office of Medical Applications of Research.

"(3) For purposes of paragraph (1), the term 'administrative expenses' means expenses incurred for the support of activities relevant to the award of grants and contracts for research and expenses incurred for the administrative management and scientific direction of programs and activities

of the National Institutes of Health and its agencies.

"PART C—SPECIFIC PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

"Subpart 1—National Cancer Institute

"PURPOSE OF INSTITUTE

"SEC. 411. The general purpose of the National Cancer Institute (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and related programs with respect to the cause, diagnosis, prevention, and treatment of cancer.

"NATIONAL CANCER PROGRAM

"SEC. 412. The national cancer program shall consist of (1) an expanded, intensified, and coordinated cancer research program encompassing the research programs conducted and supported by the Institute and the related research programs of the other national research institutes and including an expanded and intensified research program for the prevention of cancer caused by occupational or environmental exposure to carcinogens, and (2) the other programs and activities of the Institute.

"CANCER CONTROL PROGRAMS

"SEC. 413. The Director of the Institute shall establish and support demonstration, education, and other programs for the detection, diagnosis, prevention, and treatment of cancer and for rehabilitation and counseling respecting cancer. Programs established and supported under this section shall include—

"(1) locally initiated education and demonstration programs (and regional networks of such programs) to transmit research results and to disseminate information respecting the detection, diagnosis, prevention, and treatment of cancer and rehabilitation and counseling respecting cancer to physicians and other health professionals who provide care to individuals who have cancer;

"(2) the demonstration of and the education of students of the health professions and health professionals in—

"(A) effective methods for the prevention and early detection of cancer and the identification of individuals with a high risk of developing cancer; and

"(B) improved methods of patient referral to appropriate centers for early diagnosis and treatment of cancer; and

"(3) the demonstration of new methods for the dissemination of information to the general public concerning the prevention, early detection, diagnosis, and treatment and control of cancer and information concerning unapproved and ineffective methods, drugs, and devices for the diagnosis, prevention, treatment, and control of cancer.

"SPECIAL AUTHORITIES OF THE SECRETARY AND THE DIRECTOR

"SEC. 414. (a) The Secretary, acting through the Director of the Institute, shall establish an information and education center to collect, identify, analyze, and disseminate on a timely basis, through publications and other appropriate means, to cancer patients and their families, physicians and other health professionals, and the general public, information on cancer research, diagnosis, prevention, and treatment (including information respecting nutrition programs for cancer patients and the relationship between nutrition and cancer). The Director of the Institute may take such action as may be necessary to insure that all channels for the dissemination and ex-

change of scientific knowledge and information are maintained between the Institute and other scientific, medical, and biomedical disciplines and organizations nationally and internationally.

"(b) The Director of the Institute in carrying out the national cancer program—

"(1) may establish or support the large-scale production or distribution of specialized biological materials and other therapeutic substances for cancer research and set standards of safety and care for persons using such materials;

"(2) may, with the approval of the advisory council for the Institute, support (A) research in the cancer field outside the United States by highly qualified foreign nationals which research can be expected to inure to the benefit of the American people, (B) collaborative research involving American and foreign participants, and (C) the training of American scientists abroad and foreign scientists in the United States;

"(3) may, with the approval of the advisory council for the Institute, support appropriate programs of education (including continuing education) and training;

"(4) may encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research;

"(5) may obtain (with the approval of the Institute's advisory council and in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than one hundred and fifty-one experts or consultants who have scientific or professional qualifications;

"(6)(A) may—

"(i) with the approval of the Institute's advisory council, acquire and construct; and

"(ii) improve, repair, operate, and maintain, such laboratories, other research facilities, equipment, and other real or personal property (including patents) as the Director deems necessary;

"(B) may make grants for new construction or renovation of facilities; and

"(C) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years;

"(7) may, with the approval of the Institute's advisory council, appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions;

"(8) may, subject to section 407(b)(2), enter into such contracts, leases, cooperative agreements, or other transactions, without regard to section 3324 of title 31 of the United States Code and section 3709 of the Revised Statutes (41 U.S.C. 5), as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution; and

"(9)(A) shall prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate (including an estimate of the number and type of personnel needs for the Institute) for the national cancer program, after reasonable opportunity for comment (but without change) by the Secretary, the Director of NIH, and the Institute's advisory council; and (B) may receive from the President and

the Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the Institute.

**"NATIONAL CANCER RESEARCH AND
DEMONSTRATION CENTERS**

"SEC. 415. The Director of the Institute, under policies established by the Director of NIH and after consultation with the Institute's advisory council, is authorized to enter into cooperative agreements with public or private nonprofit agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support during fiscal years 1984, 1985, and 1986 for at least fifty-five centers for basic and clinical research into, training in, and demonstration of advanced diagnostic, prevention, and treatment methods for cancer. Federal payments under this subsection in support of such cooperative agreements may be used for (1) construction (notwithstanding any limitation under section 488), (2) staffing and other basic operating costs, including such patient care costs as are required for research, (3) training, including training for allied health professionals, continuing education for health professionals and allied health professions personnel, and information programs for the public respecting cancer, and (4) demonstration purposes. As used in this section, the term 'construction' does not include the acquisition of land, and the term 'training' does not include research training for which fellowship support may be provided under section 479. Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"PRESIDENT'S CANCER PANEL

"SEC. 416. (a)(1) The President's Cancer Panel (hereinafter in this section referred to as the 'Panel') shall be composed of three persons appointed by the President who by virtue of their training, experience, and background are exceptionally qualified to appraise the national cancer program.

"(2)(A) Members of the Panel shall be appointed for three-year terms, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member who has been appointed for a term of three years may not be reappointed to the Panel before two years from the date of the expiration of such term of office. If a vacancy occurs in the Panel, the President shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(B) The President shall designate one of the members to serve as the chairman of the Panel for a term of one year.

"(C) Members of the Panel shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Panel.

"(3) The Panel shall meet at the call of the chairman, but not less often than four times a year. A transcript shall be kept of the proceedings of each meeting of the Panel, and the chairman shall make such transcript available to the public.

"(b) The Panel shall monitor the development and execution of the activities of the national cancer program, and shall report directly to the President. Any delays or blockages in rapid execution of the program shall immediately be brought to the attention of the President. The Panel shall submit to the President periodic progress reports on the program and shall submit to the President, the Secretary, and the Congress an annual evaluation of the efficacy of the program and suggestions for improvements, and shall submit such other reports as the President shall direct.

**"Subpart 2—National Heart, Lung, and
Blood Institute**

"PURPOSE OF THE INSTITUTE

"SEC. 421. The general purpose of the National Heart, Lung, and Blood Institute (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and other programs with respect to heart, blood vessel, lung, and blood diseases and with respect to the use of blood and blood products and the management of blood resources.

**"HEART, BLOOD VESSEL, LUNG, AND BLOOD
DISEASE PREVENTION AND CONTROL PROGRAMS**

"SEC. 422. The Director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council for the Institute, shall establish programs as necessary for cooperation with other Federal health agencies, State, local, and regional public health agencies, and nonprofit private health agencies in the diagnosis, prevention, and treatment (including the provision of emergency medical services) of heart, blood vessel, lung, and blood diseases, appropriately emphasizing the prevention, diagnosis, and treatment of such diseases of children.

"INFORMATION AND EDUCATION

"SEC. 423. The Secretary, acting through the Director of the Institute, shall collect, identify, analyze, and disseminate on a timely basis, through publications and other appropriate means, to patients, families of patients, physicians and other health professionals, and the general public, information on research, prevention, diagnosis, and treatment of heart, blood vessel, lung, and blood diseases, the maintenance of health to reduce the incidence of such diseases, and on the use of blood and blood products and the management of blood resources. In carrying out this section the Secretary shall place special emphasis upon—

"(1) the dissemination of information regarding diet and nutrition, environmental pollutants, exercise, stress, hypertension, cigarette smoking, weight control, and other factors affecting the prevention of arteriosclerosis and other cardiovascular diseases and of pulmonary and blood diseases; and

"(2) the dissemination of information designed to encourage children to adopt healthful habits respecting the risk factors related to the prevention of such diseases.

**"NATIONAL HEART, BLOOD VESSEL, LUNG, AND
BLOOD DISEASES AND BLOOD RESOURCES PROGRAM**

"SEC. 424. (a) The National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program (hereinafter in this subpart referred to as the 'Program') may provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms and aspects of heart, blood vessel, lung, and blood diseases, including investigations into the

social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved in the epidemiology, etiology, and prevention of such diseases;

"(2) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal heart, blood vessel, lung, and blood phenomena;

"(3) research into the development, trial, and evaluation of techniques, drugs, and devices (including computers) used in, and approaches to, the diagnosis, treatment (including the provision of emergency medical services), and prevention of heart, blood vessel, lung, and blood diseases and the rehabilitation of patients suffering from such diseases;

"(4) establishment of programs that will focus and apply scientific and technological efforts involving biological physical, and engineering sciences to all facets of heart, blood vessel, lung, and blood diseases with emphasis on refinement, development, and evaluation of technological devices that will assist, replace, or monitor vital organs and improve instrumentation for detection, diagnosis, and treatment of those diseases;

"(5) establishment of programs for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive, diagnostic, therapeutic, and rehabilitative approaches to, and emergency medical services for, such diseases;

"(6) studies and research into blood diseases and blood, and into the use of blood for clinical purposes and all aspects of the management of its resources in this country, including the collection, preservation, fractionation, and distribution of it and its products;

"(7) the education (including continuing education) and training of scientists, clinical investigators, and educators, in fields and specialties (including computer sciences) requisite to the conduct of clinical programs respecting heart, blood vessel, lung, and blood diseases and blood resources;

"(8) public and professional education relating to all aspects of such diseases, including the prevention of such diseases, and the use of blood and blood products and the management of blood resources;

"(9) establishment of programs for study and research into heart, blood vessel, lung, and blood diseases of children (including cystic fibrosis, hyaline membrane, Cooley's anemia, and hemolytic and hemophilic diseases) and for the development and demonstration of diagnostic, treatment, and preventive approaches to these diseases; and

"(10) establishment of programs for study, research, development, demonstrations and evaluation of emergency medical services for people who become critically ill in connection with heart, blood vessel, lung, or blood diseases.

The Program shall be coordinated with other national research institutes to the extent that they have responsibilities respecting such diseases and shall give special emphasis to the continued development in the Institute of programs related to the causes of stroke and to effective coordination of such programs with related stroke programs in the National Institute of Neurological and Communicative Disorders and Stroke. The Director of the Institute, with the advice of the advisory council to the Institute, shall revise annually the plan for the Program and shall carry out the Program in accordance with such plan.

"(b) In carrying out the Program, the Director of the Institute, under policies established by the Director of NIH—

"(1) may, after approval of the advisory council to the Institute, obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than one hundred experts or consultants who have scientific or professional qualifications;

"(2)(A) may—

"(i) after approval of the advisory council to the Institute, acquire and construct, and

"(ii) improve, repair, operate, alter, renovate, and maintain,

heart, blood vessel, lung, and blood disease and blood resource laboratory, research, training, and other facilities, equipment, and such other real or personal property (including patents) as the Director deems necessary; and

"(B) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years;

"(3) subject to section 407(b)(2), may enter into such contracts, leases, cooperative agreements, or other transactions, without regard to section 3324 of title 31 of the United States Code and section 3709 of the Revised Statutes (41 U.S.C. 5), as may be necessary in the conduct of the Director's functions, with any public agency, or with any person, firm, association, corporation, or educational institutions; and

"(4) may make grants to public and non-profit private entities to assist in meeting the cost of the care of patients in hospitals, clinics, and related facilities who are participating in research projects.

"NATIONAL RESEARCH AND DEMONSTRATION CENTERS FOR HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES, SICKLE CELL ANEMIA, AND BLOOD RESOURCES

"SEC. 425. (a)(1) The Director of the Institute may provide, in accordance with subsection (b), for the development of—

"(A) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for heart and blood vessel diseases;

"(B) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for lung diseases (including bronchitis, emphysema, asthma, cystic fibrosis, and other lung diseases of children); and

"(C) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for blood diseases and research into blood, in the use of blood products and in the management of blood resources.

The Director of the Institute shall provide, in accordance with subsection (b), for the development of ten centers for basic and clinical research into the diagnosis, treatment, and control of sickle cell anemia.

"(2) The centers developed under paragraph (1) shall, in addition to being utilized for research, training, and demonstrations,

be utilized for the following prevention programs for cardiovascular, pulmonary, and blood diseases:

"(A) Programs to develop improved methods of detecting individuals with a high risk of developing cardiovascular, pulmonary, and blood diseases.

"(B) Programs to develop improved methods of intervention against those factors which cause individuals to have a high risk of developing such diseases.

"(C) Programs to develop health professions and allied health professions personnel highly skilled in the prevention of such diseases.

"(D) Programs to develop improved methods of providing emergency medical services for persons with such diseases.

"(E) Programs of continuing education for health and allied health professionals in the diagnosis, prevention, and treatment of such diseases and the maintenance of health to reduce the incidence of such diseases and information programs for the public respecting the prevention and early diagnosis and treatment of such diseases and the maintenance of health.

"(3) The research, training, and demonstration activities carried out through any such center may relate to any one or more of the diseases referred to in paragraph (1) of this subsection.

"(b) The Director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council to the Institute, may enter into cooperative agreements with public or non-profit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers for basic or clinical research into, training in, and demonstration of, the management of blood resources and advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, or blood diseases. Funds paid to centers under cooperative agreements under this subsection may be used for—

"(1) construction (notwithstanding any limitation under section 488),

"(2) staffing and other basic operating costs, including such patient care costs as are required for research,

"(3) training, including training for allied health professions personnel, and

"(4) demonstration purposes.

Support of a center under this subsection may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"(c) As used in this section, the term 'construction' does not include the acquisition of land; and the term 'training' does not include research training for which fellowship support may be provided under section 479.

"INTERAGENCY TECHNICAL COMMITTEE

"SEC. 426. (a) The Secretary shall establish an Interagency Technical Committee on Heart, Blood Vessel, Lung and Blood Diseases and Blood Resources which shall be responsible for coordinating those aspects of all Federal health programs and activities relating to heart, blood vessel, lung, and blood diseases and to blood resources to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to main-

tain adequate coordination of such programs and activities.

"(b) The Director of the Institute shall serve as chairman of the Committee and the Committee shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities relevant to the functions of the Committee, as determined by the Secretary.

"Subpart 3—National Institute of Diabetes and Digestive and Kidney Diseases

"PURPOSE OF THE INSTITUTE

"SEC. 431. The general purpose of the National Institute of Diabetes and Digestive and Kidney Diseases (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and related programs with respect to diabetes mellitus and endocrine and metabolic diseases, digestive diseases and kidney and urologic diseases.

"INFORMATION CLEARINGHOUSES AND DATA SYSTEMS

"SEC. 432. (a) The Director shall (1) establish the National Diabetes Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with diabetes, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing diabetes, and (2) establish the National Diabetes Information Clearinghouse to facilitate and enhance knowledge and understanding of diabetes on the part of health professionals, patients, and the public through the effective dissemination of information.

"(b) The Director shall (1) establish the National Digestive Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with digestive diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing digestive diseases, and (2) establish the National Digestive Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of digestive diseases on the part of health professionals, patients, and the public through the effective dissemination of information.

"(c) The Director shall (1) establish the National Kidney Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with kidney diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing kidney diseases, and (2) establish the National Kidney Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of kidney diseases on the part of health professionals, patients, and the public through the effective dissemination of information.

"ASSOCIATE DIRECTORS FOR DIABETES AND DIGESTIVE AND KIDNEY DISEASES

"SEC. 433. (a) In the Institute there shall be an Associate Director for Diabetes, an Associate Director for Digestive Diseases, and an Associate Director for Kidney Diseases who, under the supervision of the Director, shall be responsible for—

"(1) developing a coordinated plan (including recommendations for expenditures) for each of the national research institutes within the National Institutes of Health with respect to research and training con-

cerning diabetes and digestive and kidney diseases;

"(2) assessing the adequacy of management approaches for the activities within such institutes concerning such diseases and developing improved approaches if needed;

"(3) monitoring and reviewing expenditures by such institutes concerning such diseases; and

"(4) identifying research opportunities concerning such diseases and recommending ways to utilize such opportunities.

The Director shall transmit to the Director of NIH the plans, recommendations, and reviews of the Associate Directors under paragraphs (1) through (4) together with such comments and recommendations as the Director of the Institute determines appropriate.

"(b) The Director of the Institute, acting through the Associate Director for Kidney Diseases, the Associate Director for Digestive Diseases, and the Associate Director for Diabetes, shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 479) in the diagnosis, prevention, and treatment of digestive diseases and nutrition, diabetes mellitus, and endocrine and metabolic, kidney, urologic, and hematologic diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.

"INTERAGENCY COORDINATING COMMITTEES"

"SEC. 434. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to diabetes mellitus, digestive diseases, and kidney and urologic diseases; and

"(2) coordinating those aspects of all Federal health programs and activities relating to such diseases to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities;

the Secretary shall establish a Diabetes Mellitus Interagency Coordinating Committee, a Digestive Diseases Interagency Coordinating Committee, and a Kidney and Urologic Diseases Coordinating Committee (hereinafter in this section individually referred to as a 'Committee').

"(b) Each committee shall be composed of the Directors (or their designees) of each of the national research institutes and divisions involved in research involving the diseases with respect to which the committee is established, the Associate Directors of the Institute for the diseases for which the committee is established, the chief medical director (or the director's designee) of the Veterans' Administration, and a medical officer designated by the Department of Defense, and shall include representation from all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, as determined by the Secretary. Each committee shall be chaired by the Director of NIH (or his designee). Each committee shall meet at the call of the chairman, but not less often than four times a year.

"(c) Each committee shall prepare an annual report for—

"(1) the Secretary,

"(2) the Director of NIH, and

"(3) the Advisory Board established under section 435 for the diseases for which the committee was established,

detailing the work of the committee in the fiscal year for which the report was prepared in carrying out the coordinating activities described in paragraphs (1) and (2) of subsection (a). Such report shall be submitted not later than the one hundred and twentieth day after the end of each fiscal year.

"ADVISORY BOARDS"

"SEC. 435. (a) The Secretary shall establish in the Institute the National Diabetes Advisory Board, the National Digestive Diseases Advisory Board, and the National Kidney and Urologic Diseases Advisory Board (hereinafter in this section individually referred to as an 'Advisory Board').

"(b) Each Advisory Board shall be composed of eighteen appointed members and nonvoting, ex officio members as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant to the diseases with respect to which the Advisory Board is established; and

"(B) six members from the general public who are knowledgeable with respect to such diseases, including at least one member who is a person who suffers from such a disease and one member who is a parent of a person who suffers from such a disease.

Of the appointed members at least five shall by virtue of training or experience be knowledgeable in health education, nursing, data systems, public information, or community program development.

"(2) The following shall be ex officio members of each Advisory Board: The Assistant Secretary for Health, the Director of NIH, the Director of the National Institute of Diabetes and Digestive and Kidney Diseases, the Director of the Centers for Disease Control, the chief medical director of the Veterans' Administration, the Assistant Secretary for Medical Affairs of the Department of Defense (or the designees of such ex officio members), the Associate Director of the National Institute of Diabetes and Digestive and Kidney Diseases for the diseases for which the Board is established, and such other officers and employees of the United States as the Secretary deems necessary for the Advisory Board to carry out its functions. In the case of the National Diabetes Advisory Board, the following shall also be ex officio members: The Director of the National Heart, Lung, and Blood Institute, the Director of the National Eye Institute, the Director of the National Institute of Child Health and Human Development, the Administrator of the Health Resources Administration, and the Administrator of the Health Services Administration (or the designees of such ex officio members).

"(c) Members of an Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the per-

formance of their duties as members of the Board.

"(d) The term of office of an appointed member of an Advisory Board is three years, except that no term of office may extend beyond the expiration of the Advisory Board. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in an Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(e) The members of each Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of an Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, and (through contracts or other arrangements) with such administrative support services and facilities, such information, and such services of consultants, as the Secretary determines are necessary for the Advisory Board to carry out its functions.

"(g) Each Advisory Board shall meet at the call of the chairman or upon request of the Director of the Institute, but not less often than four times a year.

"(h) Each Advisory Board shall—

"(1) in the case of the Advisory Boards for diabetes and digestive diseases, review and evaluate the implementation of the plan (referred to in section 441) respecting the diseases with respect to which the Advisory Board was established and periodically update the plan to ensure its continuing relevance;

"(2) for the purpose of assuring the most effective use and organization of resources respecting such diseases, advise and make recommendations to the Congress, the Secretary, the Director of NIH, the Director of the Institute, and the heads of other appropriate Federal agencies for the implementation and revision of such plan; and

"(3) maintain liaison with other advisory bodies related to Federal agencies involved in the implementation of such plan, the coordinating committee for such diseases, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(i) In carrying out its functions, each Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

"(j) Each Advisory Board shall prepare an annual report for the Secretary which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) describes and evaluates the progress made in such year in research, treatment, education, and training with respect to the diseases with respect to which the Advisory Board was established;

"(3) summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in the fiscal year for which the report is made; and

"(4) contains the Advisory Board's recommendations (if any) for changes in the plan referred to in subsection (h)(1).

"(k) Each Advisory Board shall expire on September 30, 1986.

"(l) The National Diabetes Advisory Board and the National Digestive Diseases Advisory Board in existence on the date of the enactment of the Health Research Act of 1983 shall terminate upon the appointment of a successor Board under subsection (a). The Secretary shall make appointments to the Advisory Boards established under subsection (a) before the expiration of ninety days after such date of enactment. The members of the Boards in existence on such date may be appointed, in accordance with subsections (b) and (d), to the Boards established under subsection (a) for diabetes and digestive diseases except that at least one-half of the members of the National Diabetes Advisory Board in existence on the date of the enactment of the Health Research Act of 1983 shall be appointed to the National Diabetes Advisory Board first established under subsection (a).

"RESEARCH AND TRAINING CENTERS

"SEC. 436. (a) Consistent with applicable recommendations of the National Commission on Diabetes, the Director of the Institute shall provide for the development, or substantial expansion of centers for research and training in diabetes mellitus and related endocrine and metabolic diseases. Each center developed or expanded under this subsection shall (1) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Secretary; and (2) conduct (A) research in the diagnosis and treatment of diabetes mellitus and related endocrine and metabolic diseases and the complications resulting from such diseases, (B) training programs for physicians and allied health personnel in current methods of diagnosis and treatment of such diseases and complications, and in research in diabetes, and (C) information programs for physicians and allied health personnel who provide primary care for patients with such diseases or complications. A center may use funds provided under this subsection to provide stipends for nurses and allied health professionals enrolled in research training programs described in clause (B).

"(b) Consistent with applicable recommendations of the National Digestive Diseases Advisory Board, the Director shall provide for the development or substantial expansion of centers for research in digestive diseases and related functional, congenital, metabolic disorders, and normal development of the digestive tract. Each center developed or expanded under this subsection shall (1) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research qualifications as may be prescribed by the Secretary; (2) develop and conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of digestive diseases and related functional, congenital, or metabolic complications resulting from such diseases or disorders, (3) shall encourage research into and programs for (A) providing information for physicians and others who care for patients with such diseases, disorders,

and complications; patients and their families; and the general public; (B) model programs for cost effective and preventive patient care; and (C) training physicians and scientists in research on such diseases, disorders, and complications; and (4) may perform research and participate in epidemiological studies and gathering data relevant to digestive diseases and disorders to disseminate to the health care profession and to the public.

"(c) The Director shall provide for the development or substantial expansion of centers for research in kidney and urologic diseases. Each center developed or expanded under this subsection shall (1) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research qualifications as may be prescribed by the Secretary; (2) develop and conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of kidney and urologic diseases, (3) shall encourage research into and programs for (A) providing information by physicians and others who care for patients with such disease; patients and their families; and the general public; (B) model programs for cost effective and preventive patient care; and (C) training physicians and scientists in research on such diseases; and (4) may perform research and participate in epidemiological studies and gathering data relevant to kidney and urologic diseases to disseminate to the health care profession and to the public.

"(d) Insofar as practicable, centers established, developed, or expanded under this section should be geographically dispersed throughout the United States and in environments with proven research capabilities. Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"ADVISORY COUNCIL SUBCOMMITTEES

"SEC. 437. There are established within the advisory council of the Institute appointed under section 408 a subcommittee on diabetes and endocrine and metabolic diseases, a subcommittee on digestive diseases and nutrition, and a subcommittee on kidney, urologic, and hematologic diseases. The subcommittees shall be composed of members of the advisory council who are outstanding in the diagnosis, prevention, and treatment of the diseases for which the subcommittees are established and members of the advisory council who are leaders in the fields of education and public affairs. The subcommittees are authorized to review applications made to the Director for grants for research and training projects relating to the diagnosis, prevention, and treatment of the diseases for which the subcommittees are established and shall recommend to the advisory council those applications and contracts that the subcommittees determine will best carry out the purposes of the Institute. The subcommittees shall also review and evaluate the diabetes and endocrine and metabolic diseases, digestive diseases and nutrition, and kidney, urologic, and hematologic diseases programs of the Institute and recommend to the advisory council such changes in the administration of such programs as the subcommittees determine are necessary.

"BIENNIAL REPORT

"SEC. 438. The Director of the Institute shall prepare for inclusion in the biennial report made under section 404 a description of the Institute's activities—

"(1) under the current diabetes plan under the National Diabetes Mellitus Research and Education Act; and

"(2) under the current digestive diseases plan formulated under the Arthritis, Diabetes, and Digestive Diseases Amendments of 1976.

The description submitted by the Director shall include an evaluation of the activities of the centers supported under section 436.

"Subpart 4—National Institute of Arthritis and Musculoskeletal Diseases

"PURPOSES OF THE INSTITUTE

"SEC. 443. (a) The general purpose of the National Institute of Arthritis and Musculoskeletal Diseases (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and related programs with respect to arthritis and musculoskeletal diseases, including sports-related disorders, and skin diseases.

"(b) The Director of the Institute, with the advice of its advisory council, shall develop a plan for a national arthritis and musculoskeletal program to expand, intensify, and coordinate the activities of the Institute respecting the diseases, and shall carry out the program in accordance with such plan. The program shall be coordinated with the other national research institutes of the National Institutes of Health to the extent that they have responsibilities respecting such diseases and shall, at least, provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms of arthritis and musculoskeletal diseases, including sports-related disorders, primarily through support of basic research and such areas as immunology, genetics, biochemistry, microbiology, physiology, bioengineering, and any other scientific discipline which can contribute important knowledge to the treatment and understanding of these diseases;

"(2) research into the development, trial, and evaluation of techniques, drugs, and devices used in the diagnosis, treatment, and prevention of arthritis and musculoskeletal diseases and medical rehabilitation of individuals with such diseases and disabilities;

"(3) research on the refinement, development, and evaluation of technological devices that will replace or be a substitute for damaged bone, muscle, and joints and other supporting structures; and

"(4) establish mechanisms to monitor the causes of athletic injuries and identify ways of preventing such injuries on scholastic athletic fields.

"(c) The Director of the Institute shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 479) in the diagnosis, prevention, and treatment (including medical rehabilitation) of arthritis, musculoskeletal diseases, and skin diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.

"INFORMATION CLEARINGHOUSE AND DATA SYSTEM"

"SEC. 444. The Director shall (1) establish the National Arthritis and Musculoskeletal Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with arthritis and musculoskeletal diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing such diseases, and (2) establish the National Arthritis and Musculoskeletal Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of arthritis and musculoskeletal diseases on the part of health professionals, patients, and the public through the effective dissemination of information on such diseases.

"INTERAGENCY COORDINATING COMMITTEES"

"SEC. 445. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to arthritis, skin diseases, and musculoskeletal diseases, including sports-related disorders; and

"(2) coordinating those aspects of all Federal health programs and activities relating to such diseases to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities;

the Secretary shall establish an Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and a Skin Disease Interagency Coordinating Committee (hereinafter in this section individually referred to as a 'Committee').

"(b) Each Committee shall be composed of the Director (or his designee) of the Institute and its divisions involved in research involving arthritis and musculoskeletal diseases or skin diseases, as may be appropriate, the chief medical director (or the director's designee) of the Veterans' Administration, and a medical officer designated by the Department of Defense, and shall include representation from all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to arthritis and musculoskeletal diseases, as determined by the Secretary. Each Committee shall be chaired by the Director of NIH (or his designee). Each Committee shall meet at the call of the chairman, but not less often than four times a year.

"(c) Each Committee shall prepare an annual report for—

"(1) the Secretary; and

"(2) the Director of NIH,

detailing the work of the Committee in the fiscal year for which the report was prepared in carrying out the coordinating activities described in paragraphs (1) and (2) of subsection (a). Such report shall be submitted not later than the one hundred and twentieth day after the end of each fiscal year.

"ARTHRITIS AND MUSCULOSKELETAL DISEASES DEMONSTRATION PROJECTS"

"SEC. 446. (a) The Secretary may make grants to public and other nonprofit entities to establish and support projects for the development and demonstration of methods for arthritis and musculoskeletal diseases screening and detection and for referral for treatment and medical rehabilitation, and for dissemination of information on these methods to the health and allied health

professions. Activities under such projects shall be coordinated with (1) Federal, State, local, and regional health agencies, (2) centers assisted under section 447, and (3) the data system established under subsection (c).

"(b) Projects under this section shall include—

"(1) programs which emphasize the development and demonstration of new and improved methods of screening and early detection, referral for treatment, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) programs which emphasize the development and demonstration of new and improved methods for patient referral from local hospitals and physicians to appropriate centers for early diagnosis and treatment;

"(3) programs which emphasize the development and demonstration of new and improved means of standardizing patient data and recordkeeping;

"(4) programs which emphasize the development and demonstration of new and improved methods of dissemination of knowledge about the projects and methods referred to in the preceding paragraphs of this subsection to health and allied health professionals;

"(5) programs which emphasize the development and demonstration of new and improved methods for the dissemination to the general public of information—

"(A) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(B) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive treatment, and control methods for arthritis and unapproved and ineffective drugs and devices for arthritis and musculoskeletal diseases; and

"(6) projects for the investigation into the epidemiology of all forms and aspects of arthritis and musculoskeletal diseases, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of such diseases.

"(c) The Director shall provide for the standardization of patient data and recordkeeping for the collection, storage, analysis, retrieval, and dissemination of such data in cooperation with projects under this section and centers assisted under section 447, and other persons engaged in arthritis and musculoskeletal diseases programs.

"MULTIPURPOSE ARTHRITIS AND MUSCULOSKELETAL DISEASES CENTERS"

"SEC. 447. (a) The Director of the Institute shall, after consultation with the advisory council to the Institute and consistent with the arthritis plan developed under section 443(b), provide for the development, modernization, and operation (including staffing and other operating costs such as the costs of patient care required for research) of new and existing centers for arthritis and musculoskeletal diseases. For purposes of this section, the term 'modernization' means the alteration, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment for such buildings to the extent necessary to make them suitable for use as centers described in the preceding sentence.

"(b) Each center assisted under this section shall—

"(1)(A) use of the facilities of a single institution or a consortium of cooperating in-

stitutions, and (B) meet such qualifications as may be prescribed by the Secretary; and

"(2) conduct—

"(A) basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of arthritis and musculoskeletal diseases and complications resulting from such diseases, including research into implantable biomaterials and biomechanical and other orthopaedic procedures and medical rehabilitation of individuals with such diseases;

"(B) training programs for physicians, scientists, and other health and allied health professionals;

"(C) information and continuing education programs for physicians and other health and allied health professionals who provide care for patients with arthritis and musculoskeletal diseases; and

"(D) programs for the dissemination to the general public of information—

"(i) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(ii) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices.

A center may use funds provided under subsection (a) to provide stipends for health professionals enrolled in training programs described in paragraph (2)(B).

"(c) Each center assisted under this section may conduct programs to—

"(1) establish the effectiveness of new and improved methods of detection, referral, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases,

"(2) disseminate the results of research, screening, and other activities, and develop means of standardizing patient data and recordkeeping, and

"(3) develop community consultative services to facilitate the referral of patients to centers for treatment.

"(d) The Director shall insofar as practicable, provide for an equitable geographical distribution of centers assisted under this section. The Director shall give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis.

"(e) Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"ADVISORY BOARD"

"SEC. 448. (a) The Secretary shall establish in the Institute the National Arthritis Advisory Board (hereinafter in this section referred to as the 'Advisory Board').

"(b) The Advisory Board shall be composed of eighteen appointed members and nonvoting, ex officio members as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant to arthritis, musculoskeletal diseases, and skin diseases; and

"(B) six members from the general public who are knowledgeable with respect to such diseases, including at least one member who

is a person who suffers from such a disease and one member who is a parent of a person who suffers from such a disease.

Of the appointed members at least five shall by virtue of training or experience be knowledgeable in health education, nursing, data systems, public information, or community program development.

"(2) The following shall be ex officio members of the Advisory Board: The Assistant Secretary for Health, the Director of NIH, the Director of the National Institute of Arthritis and Musculoskeletal Diseases, the Director of the Center for Disease Control, the chief medical director of the Veterans' Administration, the Assistant Secretary for Medical Affairs of the Department of Defense (or the designees of such ex officio members), such other officers and employees of the United States as the Secretary deems necessary for the Advisory Board to carry out its functions.

"(c) Members of the Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Board.

"(d) The term of office of an appointed member of the Advisory Board is three years. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in the Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(e) The members of the Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, and (through contracts or other arrangements) with such administrative support services and facilities, such information, and such services of consultants, as the Secretary determines are necessary for the Advisory Board to carry out its functions.

"(g) The Advisory Board shall meet at the call of the chairman or upon request of the Director of the Institute, but not less often than four times a year.

"(h) The Advisory Board shall—

"(1) review and evaluate the implementation of the plan under section 443 and periodically update the plan to ensure its continuing relevance;

"(2) for the purpose of assuring the most effective use and organization of resources respecting arthritis, musculoskeletal diseases and skin diseases, advise and make recommendations to the Congress, the Secretary, the Director of NIH, the Director of the Institute, and the heads of other appro-

priate Federal agencies for the implementation and revision of such plan; and

"(3) maintain liaison with other advisory bodies related to Federal agencies involved in the implementation of such plan, the coordinating committee for such diseases, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(i) In carrying out its functions, the Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

"(j) The Advisory Board shall prepare an annual report for the Secretary which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) describes and evaluates the progress made in such year in research, treatment, education, and training with respect to arthritis, musculoskeletal diseases, and skin diseases;

"(3) summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in the fiscal year for which the report is made; and

"(4) contains the Advisory Board's recommendations (if any) for changes in the plan referred to in subsection (h)(1).

"(k) The National Arthritis Advisory Board in existence on the date of the enactment of the Health Research Act of 1983 shall terminate not later than ninety days after such date. The Secretary shall make appointments to the Advisory Board established under subsection (a) before the expiration of such days. The members of the Board in existence on such date may be appointed, in accordance with subsections (b) and (d), to the Board established under subsection (a).

"BIENNIAL REPORT

"Sec. 449. The Director of the Institute shall prepare for inclusion in the biennial report made under section 404 a description of the Institute's activities under the plan developed under section 443(b). The description submitted by the Director shall include an evaluation of the activities of the centers supported under section 447.

"Subpart 5—National Institute on Aging

"PURPOSE OF THE INSTITUTE

"Sec. 451. The general purpose of the National Institute on Aging (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of biomedical, social, and behavioral research, training, health information dissemination, and related programs with respect to the aging process and the diseases and other special problems and needs of the aged.

"SPECIAL FUNCTIONS OF THE SECRETARY

"Sec. 452. (a) In carrying out the training responsibilities under this Act or any other Act for health and allied health professions personnel, the Secretary shall take appropriate steps to insure the education and training of adequate numbers of allied health, nursing, and paramedical personnel in the field of health care for the aged.

"(b) The Secretary shall, through the Director of the Institute, conduct scientific studies to measure the impact on the biological, medical, and psychological aspects of aging of programs and activities assisted or

conducted by the Department of Health and Human Services.

"(c) The Director of the Institute shall carry out public information and education programs designed to disseminate as widely as possible the findings of Institute-sponsored and other relevant aging research and studies and other information about the process of aging which may assist elderly and near-elderly persons in dealing with, and all Americans in understanding, the problems and processes associated with growing older.

"ALZHEIMER'S DISEASE CENTERS

"Sec. 453. (a) The Director of the Institute may provide, in accordance with subsection (b), for the development of centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for Alzheimer's disease.

"(b) The Director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council to the Institute, may enter into cooperative agreements with public or non-profit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers for basic or clinical research into, training in, and demonstration of advanced diagnostic, prevention, and treatment methods for Alzheimer's disease. Funds paid to centers under cooperative agreements under this subsection may be used for—

"(1) construction (notwithstanding any limitation under section 488);

"(2) staffing and other basic operating costs, including such patient care costs as are required for research;

"(3) training, including training for allied health professions personnel; and

"(4) demonstration purposes.

Support of a center under this subsection may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"(c) As used in this section, the term 'construction' does not include the acquisition of land; and the term 'training' does not include research training for which fellowship support may be provided under section 479.

"Subpart 6—National Institute of Allergy and Infectious Diseases

"PURPOSE OF THE INSTITUTE

"Sec. 455. The general purpose of the National Institute of Allergy and Infectious Diseases is the conduct and support of research, training, health information dissemination, and related programs with respect to allergic and immunologic diseases and disorders and infectious diseases.

"Subpart 7—National Institute of Child Health and Human Development

"PURPOSE OF THE INSTITUTE

"Sec. 457. The general purpose of the National Institute of Child Health and Human Development (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and related programs with respect to maternal health, child health, mental retardation, human growth and development, including prenatal development, population research, and spe-

cial health problems and requirements of mothers and children.

"SUDDEN INFANT DEATH SYNDROME"

"Sec. 458. The Secretary shall, through the Director of the Institute, conduct and support research which specifically relates to sudden infant death syndrome.

"MENTAL RETARDATION RESEARCH CENTERS"

"Sec. 459. The Secretary shall, through the Director of the Institute, make grants for research and related activities into the causes, prevention, and treatment of mental retardation. The Secretary shall give special consideration to applications under this section submitted by centers which were constructed under part D of title VII of this Act added by section 101 of Public Law 88-164 and which are engaged in such research or activities.

"RESEARCH ON LUPUS ERYTHEMATOSUS"

"Sec. 460. (a) The Secretary shall establish in the Institute a Lupus Erythematosus Coordinating Committee to plan, develop, coordinate, and implement comprehensive Federal initiatives in research on Lupus Erythematosus.

"(b)(1) The Committee shall be composed of—

"(A) the Director of the National Institute of Neurological Communicative Disorders, and Stroke;

"(B) the Director or designee of the National Institute of Allergy and Infectious Diseases;

"(C) the Director or designee of the National Institute of Arthritis and Musculoskeletal Diseases;

"(D) the Director or designee of the National Institute of Child Health and Human Development;

"(E) the Director or designee of the National Institute of General Medical Sciences;

"(F) the Director or designee of the National Heart, Lung, and Blood Institute;

"(G) the National Institute of Diabetes and Digestive and Kidney Diseases; and

"(H) the Director or designee of the Centers for Disease Control.

"(2) The Committee shall meet at least four times a year. The Secretary shall designate the Chairman from the representatives of the Committee selected under paragraph (1). The Secretary shall make such designation so that a representative from each agency referred to in paragraph (1) will serve as Chairman of the Committee. The Chairman shall serve for a term of one year.

"(c) The Committee shall prepare an annual report for Congress on its activities. The report shall include a description of research projects on Lupus Erythematosus conducted or supported by Federal agencies in the fiscal year for which the report is made, the nature and purpose of each such project, the amounts expended for each such project, and an identification of the entity which conducted the research under each such project. Such report shall be submitted not later than the one hundred and twentieth day after the end of each fiscal year.

"Subpart 8—National Institute of Dental Research"

"PURPOSE OF INSTITUTE"

"Sec. 461. The general purpose of the National Institute of Dental Research is the conduct and support of research, training, health information dissemination, and related programs with respect to the cause, prevention, and methods of diagnosis and treatment of dental diseases and conditions.

"Subpart 9—National Eye Institute"

"PURPOSE OF INSTITUTE"

"Sec. 463. The general purpose of the National Eye Institute (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and related programs with respect to blinding eye diseases, visual disorders, mechanisms of visual function, preservation of sight, and the special health problems and requirements of the blind. The Secretary may, through the Director of the Institute, carry out a program of grants for public and private nonprofit vision research facilities.

"Subpart 10—National Institute of Neurological and Communicative Disorders and Stroke"

"PURPOSE OF THE INSTITUTE"

"Sec. 465. The general purpose of the National Institute of Neurological and Communicative Disorders and Stroke is the conduct and support of research, training, health information dissemination, and related programs with respect to neurological disease and disorder, stroke, and disorders of human communication.

"SPINAL CORD REGENERATION RESEARCH"

"Sec. 466. The Director of the Institute shall conduct and support research into spinal cord regeneration.

"BIOENGINEERING RESEARCH"

"Sec. 467. The Director of the Institute shall make grants or enter into contracts for research on the means to overcome paralysis of the extremities through electrical stimulation and the use of computers.

"Subpart 11—National Institute of General Medical Sciences"

"PURPOSE OF THE INSTITUTE"

"Sec. 469. The general purpose of the National Institute of General Medical Sciences is the conduct and support of research, training, and, as appropriate, health information dissemination, and related programs with respect to general or basic medical sciences and related natural or behavioral sciences which have significance for two or more other national research institutes or are outside the general area of responsibility of any other national research institute.

"Subpart 12—National Institute of Environmental Health Sciences"

"PURPOSE OF THE INSTITUTE"

"Sec. 471. The general purpose of the National Institute of Environmental Health Sciences is the conduct and support of research, training, health information dissemination, and related programs with respect to factors in the environment that affect human health, directly or indirectly.

"Subpart 13—National Institute of Nursing"

"PURPOSE OF THE INSTITUTE"

"Sec. 473. The general purpose of the National Institute of Nursing (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of, and dissemination of information respecting, basic and clinical research, training, and related programs in nursing.

"SPECIFIC AUTHORITIES"

"Sec. 474. (a) The Chief Nursing Officer of the Veteran's Administration and the Director of the Division of Nursing of the Health Resources and Services Administration shall be ex officio members of the advisory council to the Institute appointed under section 408. Of the members appointed to the advisory council under section

408(b)(1)(A), seven shall be professional nurses who are recognized experts in the area of clinical practice, education, or research.

"(b) To carry out section 473, the Director of the Institute, may provide research training and instruction and establish research traineeships and fellowships, in the Institute and other nonprofit institutions, in the study and investigation of the prevention of disease, health promotion, and the nursing care of individuals with and the families of individuals with acute and chronic illnesses. The Director of the Institute may provide individuals receiving such training and instruction or such traineeships or fellowships with such stipends and allowances (including amounts for travel and subsistence and dependency allowances) as the Director deems necessary. The Director may make grants to nonprofit institutions to provide such training and instruction and traineeships and fellowships."

"PART D—OTHER AGENCIES OF NIH"

"DIVISION OF RESEARCH RESOURCES"

"Sec. 475. The general purposes of the Division of Research Resources is to strengthen and enhance the research environments of entities engaged in health-related research by developing and supporting essential research resources;

"JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES"

"Sec. 476. The general purpose of the John E. Fogarty International Center for Advanced Study in the Health Sciences is to—

"(1) facilitate the assembly of scientists and others in the biomedical, behavioral, and related fields for discussion, study, and research relating to the development of health science internationally;

"(2) provide research programs, conferences, and seminars to further international cooperation and collaboration in the life sciences;

"(3) provide postdoctorate fellowships for research training in the United States and abroad and promote exchanges between the United States and other countries of senior scientists;

"(4) coordinate the activities of the National Institutes of Health concerned with the health sciences internationally, and

"(5) serve as the focus for foreign visitors to the National Institutes of Health.

"PART E—AWARDS AND TRAINING"

"NATIONAL RESEARCH SERVICE AWARDS"

"Sec. 479. (a)(1) The Secretary shall—

"(A) provide National Research Service Awards for—

"(i) biomedical and behavioral research at the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration and under programs administered by the National Institute of Nursing, in matters relating to the cause, diagnosis, prevention, and treatment of the diseases or other health problems to which the activities of the Institutes and Administration are directed;

"(ii) training at the National Institutes of Health and at the Administrations of individuals to undertake such research;

"(iii) biomedical and behavioral research at public and nonprofit private institutions; and

"(iv) pre- and post-doctoral training at public and private institutions of individuals to undertake biomedical and behavioral research; and

"(B) make grants to public and nonprofit private institutions to enable such institutions to make individuals selected by them National Research Service Awards for research (and training to undertake biomedical and behavioral research) in the matters described in subparagraph (A)(i).

A reference in this subsection to the National Institutes of Health or the Alcohol, Drug Abuse, and Mental Health Administration shall be considered to include the institutes, agencies, divisions, and bureaus included in the Institutes or under the Administration, as the case may be.

"(2) National Research Service Awards may not be used to support residency training of physicians and other health professionals.

"(3) In awarding National Research Service Awards under this section, the Secretary shall take account of the Nation's overall need for biomedical research personnel by giving special consideration to physicians who agree to undertake a minimum of two years of biomedical research.

"(b)(1) No National Research Service Award may be made by the Secretary to any individual unless—

"(A) the individual has submitted to the Secretary an application therefor and the Secretary has approved the application;

"(B) the individual provides, in such form and manner as the Secretary shall by regulation prescribe, assurances satisfactory to the Secretary that the individual will meet the service requirement of subsection (c)(1); and

"(C) in the case of a National Research Service Award for a purpose described in subsection (a)(1)(A)(iii), the individual has been sponsored (in such manner as the Secretary may by regulation require) by the institution at which the research or training under the award will be conducted.

An application for an award shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe.

"(2) The making of grants under subsection (a)(1)(B) for National Research Service Awards shall be subject to review and approval by the appropriate advisory councils within the Department of Health and Human Services (A) whose activities relate to the research or training under the awards, or (B) for the entity at which such research or training will be conducted.

"(3) No grant may be made under subsection (a)(1)(B) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe. Subject to the provisions of this section other than paragraph (1) of this subsection, National Research Service Awards made under a grant under subsection (a)(1)(B) shall be made in accordance with such regulations as the Secretary shall prescribe.

"(4) The period of any National Research Service Awards made to any individual under subsection (a) may not exceed—

"(A) five years in the aggregate for predoctoral training; and

"(B) three years in the aggregate for postdoctoral training,

unless the Secretary for good cause shown waives the application of such limit to such individual.

"(5) National Research Service Awards shall provide for such stipends, tuition, fees, and allowances (including travel and subsistence expenses and dependency allowances),

adjusted periodically to reflect increases in the cost of living, for the recipients of the awards as the Secretary may deem necessary. A National Research Service Award made to an individual for research or research training at a non-Federal public or nonprofit private institution shall also provide for payments to be made to the institution for the cost of support services (including the cost of faculty salaries, supplies, equipment, general research support, and related items) provided such individual by such institution. The amount of any such payments to any institution shall be determined by the Secretary and shall bear a direct relationship to the reasonable costs of the institution for establishing and maintaining the quality of its biomedical and behavioral research and training programs.

"(c)(1) Each individual who is awarded a National Research Service Award (other than an individual who is a pre-baccalaureate student who is awarded a National Research Service Award for research training) shall, in accordance with paragraph (3), engage in health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment, for a period computed in accordance with paragraph (2).

"(2) For each month for which an individual receives a National Research Service Award which is made for a period in excess of twelve months, such individual shall engage in one month of health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment.

"(3) The requirement of paragraph (1) shall be complied with by any individual to whom it applies within such reasonable period of time, after the completion of such individual's award, as the Secretary shall by regulation prescribe. The Secretary shall by regulation prescribe the type of research and teaching in which an individual may engage to comply with such requirement and such other requirements respecting research and teaching as the Secretary considers appropriate.

"(4)(A) If any individual to whom the requirement of paragraph (1) is applicable fails, within the period prescribed by paragraph (3), to comply with such requirements, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula—

$$A = \phi(t-s)$$

in which 'A' is the amount the United States is entitled to recover; 'φ' is the sum of the total amount paid under one or more National Research Service Awards to such individual; 't' is the total number of months in such individual's service obligation; and 's' is the number of months of such obligation served by him in accordance with paragraphs (1) and (2) of this subsection.

"(B) Any amount which the United States is entitled to recover under subparagraph (A) shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States. Until any amount due the United States under subparagraph (A) on account of any National Research Service Award is paid, there shall accrue to the United States interest on such amount at a rate fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date the United States becomes entitled to such amount.

"(5)(A) Any obligation of any individual under paragraph (3) shall be canceled upon the death of such individual.

"(B) The Secretary shall by regulation provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve substantial hardship to such individual or would be against equity and good conscience.

"(d) There are authorized to be appropriated to make payments under National Research Service Awards and under grants for such awards \$191,000,000 for fiscal year 1984, \$220,000,000 for fiscal year 1985, and \$251,000,000 for fiscal year 1986. Of the sums appropriated under this subsection, not less than 15 per centum shall be made available for payments under National Research Service Awards provided by the Secretary under subsection (a)(1)(A) and not less than 50 per centum shall be made available for grants under subsection (a)(1)(B) for National Research Service Awards. In any fiscal year not more than 4 per centum of the amount obligated to be expended under this section may be obligated for National Research Service Awards for periods of three months or less.

"VISITING SCIENTIST AWARDS

"SEC. 480. (a) The Secretary may make awards (hereinafter in this section referred to as 'Visiting Scientist Awards') to outstanding scientists who agree to serve as visiting scientists at institutions of postsecondary education which have significant enrollments of disadvantaged students. Visiting Scientist Awards shall be made by the Secretary to enable the faculty and students of such institutions to draw upon the special talents of scientists from other institutions for the purpose of receiving guidance, advice, and instruction with regard to research, teaching, and curriculum development in the biomedical and behavioral sciences and such other aspects of these sciences as the Secretary shall deem appropriate.

"(b) The amount of each Visiting Scientist Award shall include such sum as shall be commensurate with the salary or remuneration which the individual receiving the award would have been entitled to receive from the institution with which the individual has, or had, a permanent or immediately prior affiliation. Eligibility for and terms of Visiting Scientist Awards shall be determined in accordance with regulations the Secretary shall prescribe.

"STUDIES RESPECTING BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL

"SEC. 481. (a) The Secretary shall, in accordance with subsection (b), arrange for the conduct of a continuing study to—

"(1) establish (A) the Nation's overall need for biomedical and behavioral research personnel, (B) the subject areas in which such personnel are needed and the number of such personnel needed in each such area, and (C) the kinds and extent of training which should be provided such personnel;

"(2) assess (A) current training programs available for the training of biomedical and behavioral research personnel which are conducted under this Act, at or through national research institutes under the National Institutes of Health and institutes under the Alcohol, Drug Abuse, and Mental Health Administration, and (B) other current training programs available for the training of such personnel;

"(3) identify the kinds of research positions available to and held by individuals completing such programs;

"(4) determine, to the extent feasible, whether the programs referred to in clause (B) of paragraph (2) would be adequate to meet the needs established under paragraph (1) if the programs referred to in clause (A) of paragraph (2) were terminated; and

"(5) determine what modifications in the programs referred to in paragraph (2) are required to meet the needs established under paragraph (1).

"(b)(1) The Secretary shall request the National Academy of Sciences to conduct the study required by subsection (a) under an arrangement under which the actual expenses incurred by such Academy in conducting such study will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with such Academy for the conduct of such study.

"(2) If the National Academy of Sciences is unwilling to conduct such study under such an arrangement, then the Secretary shall enter into a similar arrangement with other appropriate nonprofit private groups or associations under which such groups or associations will conduct such study and prepare and submit the reports thereon as provided in subsection (c).

"(3) The National Academy of Sciences or other group or association conducting the study required by subsection (a) shall conduct such study in consultation with the Director of NIH.

"(c) A report on the results of such study shall be submitted by the Secretary to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate at least once every two years.

"PART F—GENERAL PROVISIONS

"INSTITUTIONAL REVIEW BOARDS; ETHICS GUIDANCE PROGRAM

"SEC. 483. (a) The Secretary shall by regulation require that each entity which applies for a grant, contract, or cooperative agreement under this Act for any project or program which involves the conduct of biomedical or behavioral research involving human subjects submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that it has established (in accordance with regulations which the Secretary shall prescribe) a board (to be known as an 'Institutional Review Board') to review biomedical and behavioral research involving human subjects conducted at or supported by such entity in order to protect the rights of the human subjects of such research.

"(b) The Secretary shall—

"(1) establish a program within the Department under which requests for clarification and guidance with respect to ethical issues raised in connection with biomedical or behavioral research involving human subjects are responded to promptly and appropriately; and

"(2) a process for the prompt and appropriate response to information provided the Director of NIH respecting incidences of violations of the rights of human subjects of research for which funds have been made available under this Act. The process shall include procedures for the receiving of reports of such information from recipients of funds under this Act and taking appropriate action with respect to such violations.

"PEER REVIEW

"SEC. 484. (a)(1) The Secretary, after consultation with the Director of NIH, and shall by regulation require appropriate technical and scientific peer review of—

"(A) applications made for grants and cooperative agreements under this Act for biomedical and behavioral research; and

"(B) biomedical and behavioral research and development contracts to be administered through the National Institutes of Health.

"(2) Regulations promulgated under paragraph (1) shall require that the review of grants, contracts, and cooperative agreements required by the regulations be conducted—

"(A) in a manner consistent with the system for scientific peer review applicable on the date of the enactment of the Health Research Act of 1983 to grants under this Act for biomedical and behavioral research; and

"(B) to the extent practical, by peer review groups performing such review on or before such date.

"(3) The members of any peer review group established under such regulations shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of the group and not more than one-fourth of the members of any peer review group established under such regulations shall be officers or employees of the United States.

"(b) The Director of NIH shall establish procedures for periodic, technical, and scientific peer review of research at the National Institutes of Health. Such procedures shall require that—

"(1) the reviewing entity be provided a written description of the research to be reviewed; and

"(2) the reviewing entity provide the advisory council of the national research institute involved with such description and the results of the review by the entity.

"PROTECTION AGAINST SCIENTIFIC FRAUD

"SEC. 485. (a) The Secretary shall by regulation require that each entity which applies for a grant, contract, or cooperative agreement under this Act for any project or program which involves the conduct of biomedical or behavioral research submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that it—

"(1) has established (in accordance with regulations which the Secretary shall prescribe) an administrative process to review reports of scientific fraud in connection with biomedical and behavioral research conducted at or sponsored by such entity; and

"(2) will report to the Secretary any investigation of alleged scientific fraud which appears substantial.

"(b) The Director of NIH shall establish a process for the prompt and appropriate response to information provided the Director of NIH respecting scientific fraud in connection with projects for which funds have been made available under this Act. The process shall include procedures for the receiving of reports of such information from recipients of funds under this Act and taking appropriate action with respect to such fraud.

"RESEARCH AND PUBLIC HEALTH EMERGENCIES

"SEC. 486. (a) If the Secretary determines, after consultation with the Director of NIH, the Commissioner of the Food and Drug Administration, or the Director of the

Centers for Disease Control, that a disease or disorder constitutes a public health emergency, the Secretary, acting through the Director of NIH—

"(1) shall expedite the review by advisory councils under section 408 and by peer review groups under section 484 of applications for grants for research on such disease or disorder or proposals for contracts for such research;

"(2) shall exercise the authority in section 3709 of the Revised Statutes respecting public exigencies to waive the advertising requirements of such section in the case of proposals for contracts for such research;

"(3) may provide administrative supplemental increases in existing grants and contracts to support new research relevant to such disease or disorder; and

"(4) shall disseminate, to health professionals and the public, information on the cause, prevention, and treatment of such disease or disorder which information has been developed in research assisted under this section.

The amount of an increase in a grant or contract provided under paragraph (3) may not exceed one-half the original amount of the grant or contract.

"(b) Not later than ninety days after the expiration of a fiscal year the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on actions taken under subsection (a) in such fiscal year.

"ANIMALS IN RESEARCH

"SEC. 487. (a) The Secretary, acting through the Director of NIH, shall establish guidelines for the following:

"(1) The proper care of animals to be used in biomedical and behavioral research.

"(2) The proper treatment of animals while being used in such research. Guidelines under this paragraph shall require—

"(A) the appropriate use of tranquilizers, analgesics, anesthetics, paralytics, and euthanasia for animals in such research; and

"(B) appropriate pre- and post-surgical veterinary medical and nursing care for animals in such research.

Such guidelines shall not be construed to prescribe methods of research.

"(3) The organization and operation of animal care committees in accordance with subsection (b).

"(b)(1) Guidelines of the Secretary under subsection (a)(3) shall require animal care committees at each entity which conducts biomedical and behavioral research with funds provided under this Act (including the National Institutes of Health and the national research institutes) to assure compliance with the guidelines established under subsection (a).

"(2) Each animal care committee shall be appointed by the chief executive officer of the entity for which the committee is established, shall be composed of not fewer than three members, and shall include at least one individual who has no association with such entity and at least one doctor of veterinary medicine.

"(3) Each animal care committee of a research entity shall—

"(A) review the care and treatment of animals in all animal study areas and facilities of the research entity at least semi-annually to evaluate compliance with applicable guidelines established under subsection (a) for appropriate animal care and treatment;

"(B) keep appropriate records of reviews conducted under subparagraph (A), and

"(C) for each review conducted under subparagraph (A), file with the Director of NIH (i) a certification that the review has been conducted, and (ii) reports of any violations of guidelines established under subsection (a) or assurances required by subsection (b) which were observed in such review and which have continued after notice by the committee to the research entity involved of the violations.

Reports filed under subparagraph (C) shall include any minority views filed by members of the committee.

"(c) The Director of NIH shall by regulation require each applicant for a grant or contract administered by the National Institutes of Health or any national research institute to include in its application or contract proposal, submitted after the expiration of the twelve-month period beginning on the date of the enactment of this section—

"(1) assurances satisfactory to the Director of NIH that—

"(A) the applicant meets the requirements of the guidelines established under paragraphs (1) and (2) of subsection (a) and has an animal care committee which meets the requirements of subsection (b); and

"(B) scientists, animal technicians, and other personnel involved with animal care, treatment, and use by the applicant have available to them instruction or training in the humane practice of animal maintenance and experimentation, and the concept, availability, and use of research or testing methods that minimize the use of animals or limit animal distress; and

"(2) a statement of the reasons for the use of animals in the research to be conducted with funds provided under such grant or contract.

Notwithstanding subsection (a)(2) of section 553 of title 5, United States Code, regulations under this subsection shall be promulgated in accordance with the notice and comment requirements of such section.

"(d) If the Director of NIH determines that—

"(1) the conditions of animal care, treatment, or use in an entity which is receiving a grant or contract under this title do not meet applicable guidelines established under subsection (a),

"(2) the entity has been notified by the Director of NIH of such determination and has been given a reasonable opportunity to take corrective action, and

"(3) no action has been taken by the entity to correct such conditions, the Director of NIH shall suspend or revoke such grant or contract under such conditions as the Director determines appropriate.

"(e) No guideline or regulation promulgated under subsection (a) or (c) may require a research entity to disclose trade secrets or commercial or financial information which is privileged or confidential.

"USE OF APPROPRIATIONS UNDER THIS TITLE

"SEC. 488. Appropriations to carry out the purposes of this title shall be available for the acquisition of land or the erection of buildings only if so specified. Such appropriations, unless otherwise expressly provided, may be expended in the District of Columbia for personal services, stenographic recording and translating services; by contract if deemed necessary, without regard to section 3709 of the Revised Statutes; travel expenses (including the expenses of attend-

ance at meetings when specifically authorized by the Secretary); rental, supplies and equipment, purchase and exchange of medical books, books of reference, directories, periodicals, newspapers, and press clippings; purchase, operation, and maintenance of passenger motor vehicles; printing and binding (in addition to that otherwise provided by law); and for all other necessary expenses in carrying out the provisions of this title.

"GIFTS

"SEC. 489. The Secretary may, in accordance with section 501, accept conditional gifts for the National Institutes of Health or a national research institute or for the acquisition of grounds or for the erection, equipment, or maintenance of facilities for the National Institutes of Health or a national research institute. Donations of \$50,000 or over for the National Institutes of Health or a national research institute for carrying out the purposes of this title may be acknowledged by the establishment within the National Institutes of Health or institute, of suitable memorials to the donors.

"CONSTRUCTION OF TITLE

"SEC. 490. This title shall not be construed as limiting (1) the functions or authority of the Secretary under section 301 or of any officer or agency of the United States, relating to the study, prevention, diagnosis, and treatment of any disease for which a separate national research institute is established under this title, or (2) the expenditure of any funds therefor.

"FETAL RESEARCH

"SEC. 491. (a) This title shall not be construed to restrict research or experimentation on a living fetus if the risk to the fetus imposed by the research or experimentation is minimal and the purpose of the research or experimentation is the development of important biomedical knowledge which cannot be obtained by other means.

"(b) No requirement respecting fetal research may be waived or modified unless an application is submitted to the Secretary for the waiver or modification with the approval of the Institutional Review Board with jurisdiction over the applicant. The Secretary may not approve an application for a waiver or modification unless the Secretary convenes an ethics advisory board to review the application with opportunity for public comment, receives from the board a recommendation for approval of the application, and determines that the risks to the fetus involved are so outweighed by the sum of the benefit to the fetus and the importance of the knowledge to be gained as to warrant the modification or waiver applied for and such benefits cannot be gained except through such modification or waiver. Any modification or waiver granted by the Secretary shall be published as a notice in the Federal Register."

CONFORMING AMENDMENTS

SEC. 3. (a) The National Advisory Health Council established under section 217 is terminated.

(b) Section 217(a) is amended—

(1) in the first sentence—

(A) by striking out "National Advisory Health Council, the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, and the National Advisory Dental Research Council" and inserting in lieu thereof "National Advisory Mental Health Council and the National Advisory Council on Alcohol Abuse and Alcoholism"; and

(B) by striking out "by the Surgeon General with the approval of the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "by the Secretary";

(2) in the second sentence—

(A) by striking out "in the case of the National Advisory Health Council, are skilled in the sciences related to health, and";

(B) by striking out "the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, the National Advisory Heart Council, and the National Advisory Dental Research Council" and inserting in lieu thereof "the National Advisory Mental Health Council and the National Advisory Council on Alcohol Abuse and Alcoholism"; and

(C) by striking out "alcohol abuse and alcoholism, and dental diseases and conditions" and inserting in lieu thereof "alcohol abuse and alcoholism"; and

(3) by striking out the third sentence.

(c) Subsection (b) of section 217 is repealed and subsections (c) through (e) and subsection (g) are redesignated as subsections (b) through (e), respectively.

(d) Section 222(c) is amended to read as follows:

"(c) Upon appointment of any such council or committee, the Secretary may delegate to such council or committee such advisory functions relating to grants-in-aid for research or training projects or programs, in the areas or fields with which such council or committee is concerned, as the Secretary determines to be appropriate."

(e) Section 301(a) is amended—

(1) in paragraph (3), by striking out "as are recommended" through "for such fiscal year" and inserting in lieu thereof "as are recommended by the advisory council to the entity of the department supporting such projects or, in the case of mental health projects, by the National Advisory Mental Health Council; and make, upon recommendation of the advisory council to the entity of the department involved or the National Advisory Mental Health Council, grants-in-aid to public or nonprofit universities, hospitals, laboratories, and other institutions for the general support of their research"; and

(2) in paragraph (8), by striking out "recommendations of the National Advisory Health Council" through "such additional means" and inserting in lieu thereof "recommendations of the advisory councils to the entities of the department involved or, with respect to mental health, the National Advisory Mental Health Council, such additional means".

(f) Section 8(w) of the Orphan Drug Act (Public Law 97-414) is repealed.

AMENDMENTS RELATING TO THE NATIONAL LIBRARY OF MEDICINE

SEC. 4. (a) Part I of title III of the Public Health Service Act is transferred to title IV of such Act (as amended by section 2 of this Act), inserted at the end of such title, redesignated as part G, and amended as follows:

(1) Section 381 (42 U.S.C. 275) is amended—

(A) by inserting "(a)" before "In order";

(B) by striking out "there is hereby established in the Public Health Service" and inserting in lieu thereof "there is established as an agency of the National Institutes of Health";

(C) by striking out "381." and inserting in lieu thereof "485."; and

(D) by amending the section heading to read as follows:

"PURPOSE, ESTABLISHMENT, AND FUNCTION OF THE NATIONAL LIBRARY OF MEDICINE".

(2) Section 382 (42 U.S.C. 276) is amended—

(A) by striking out "subsection (c)" in subsection (a) and inserting in lieu thereof "subsection (d)";

(B) by striking out "section 383" in subsection (c) and inserting in lieu thereof "section 486";

(C) by striking out "Sec. 382. (a)" and inserting in lieu thereof "(b)";

(D) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(E) by striking out the section heading.

(3) Subsection (a) of section 388 (42 U.S.C. 280a-1(a)) is inserted just before section 383, redesignated as subsection (e), and amended by striking out "section 397" each place it occurs and inserting in lieu thereof "section 496".

(4) Sections 384 and 385 (42 U.S.C. 278, 279) are inserted after the subsection inserted by paragraph (3) and amended—

(A) in section 384 by striking out "Sec. 384." and inserting in lieu thereof "(f)";

(B) in section 384 by striking out the section heading of section 384;

(C) in section 384, by striking out "501" and inserting in lieu thereof "2101";

(D) in section 385, by striking out "Sec. 385." and inserting in lieu thereof "(g)";

(E) by striking out the section heading of section 385; and

(F) by striking out "section 383" in section 385 and inserting in lieu thereof "section 486".

(5) Section 383 (42 U.S.C. 277) is redesignated as section 486 and is amended in subsection (a) by striking out "in the Public Health Service".

(6) Section 386 (42 U.S.C. 280) is redesignated as section 487.

(7) Section 387 (42 U.S.C. 280a) is repealed.

(8) Section 388 (42 U.S.C. 280a-1) is amended by striking out subsection (b), "Sec. 388.", and the section heading.

(b) Part J of title III of the Public Health Service Act is transferred to title IV of such Act (as amended by section 2 of this Act and subsection (a) of this section), inserted after the part inserted by subsection (a), redesignated as part H, and amended as follows:

(1) Section 390(c) (42 U.S.C. 280b(c)) is amended by striking out "and" after "1981," and by inserting before the period a comma and the following: "\$10,000,000 for the fiscal year ending September 30, 1984, \$11,000,000 for the fiscal year ending September 30, 1985, and \$12,000,000 for the fiscal year ending September 30, 1986".

(2) Section 390(c) (42 U.S.C. 280b(c)) is amended by striking out "sections 393, 394, 395, 396, and 397" and inserting in lieu thereof "sections 492, 493, 494, 495, and 496".

(3) Section 391 (42 U.S.C. 280b-1) is amended by striking out "383(a)" and inserting in lieu thereof "486(a)".

(4) Section 392 (42 U.S.C. 280b-2) is amended (A) by striking out "section 383(a)" shall, in addition to its functions prescribed under section 383" in subsection (a) and inserting in lieu thereof "section 486 shall, in addition to its functions prescribed under such section", and (B) by striking out "section 383(d)" in subsection (d) and inserting in lieu thereof "section 486(d)", and (C) by striking out "part I" in subsection (1) and inserting in lieu thereof "part G".

(5) Section 393(a) (42 U.S.C. 280b-4(a)) is amended by striking out "section 390(b)(1)"

and inserting in lieu thereof "section 489(b)(1)".

(6) Section 394(a) (42 U.S.C. 280b-5(a)) is amended by striking out "section 390(b)(2)" and inserting in lieu thereof "section 489(b)(2)".

(7) Section 394(b) is amended by striking out "section 390(b)(3)" and inserting in lieu thereof "section 489(b)(3)".

(8) Section 395(a) (42 U.S.C. 280b-7(a)) is amended by striking out "section 390(b)(4)" and inserting in lieu thereof "section 489(b)(4)".

(9) Section 396(a) (42 U.S.C. 280b-8(a)) is amended by striking out "section 390(b)(5)" and inserting in lieu thereof "section 489(b)(5)".

(10) Section 397(a) (42 U.S.C. 280b-9(a)) is amended by striking out "section 390(b)(6)" and inserting in lieu thereof "section 489(b)(6)".

(11) Section 399(b) (42 U.S.C. 280b-11(b)) is amended by striking out "of Health, Education, and Welfare".

(12) Sections 390 through 399 are redesignated as sections 489 through 498, respectively.

STUDY OF ANIMALS IN RESEARCH

SEC. 5. (a)(1) The Secretary of Health and Human Services, through the Director of the National Institutes of Health, shall in accordance with this section arrange for the conduct of a study concerning the use of live animals in biomedical and behavioral research. The Secretary shall request the National Academy of Sciences to conduct the study under an arrangement under which the actual expenses incurred by the Academy in conducting such study will be paid by the Secretary and the Academy will prepare the report required by subsection (c). If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with the Academy for the conduct of the study.

(2) If the National Academy of Sciences is unwilling to conduct the study required by paragraph (1) under the type of arrangement described in such paragraph, the Secretary shall enter into a similar arrangement with one or more appropriate non-profit private entities.

(b) The study required by subsection (a) shall—

(1) assess the status of the use of live animals in biomedical and behavioral research conducted by entities receiving Federal financial assistance through the National Institutes of Health or any of its agencies to support such research and, if possible, by entities which do not receive Federal financial assistance, including—

(A) a determination of the type of animals used in such research during each of the five years in the five-year period preceding the date which is eighteen months after the date of enactment of this section;

(B) an estimate of the total number of live animals used in such research during each such year;

(C) a survey of the purposes for which live animals are used in such research;

(D) an analysis of whether the use of such animals in such research has decreased or increased over such five-year period; and

(E) an exploration of methods which can be used in the conduct of such research which are alternatives to the use of live animals;

(2) assess the impact on biomedical and behavioral research of the establishment of a requirement that, as a condition of receiving Federal financial assistance to support such research, entities conducting such re-

search be accredited in accordance with standards promulgated by organizations which accredit such entities;

(3) estimate—

(A) the amounts that would be expended by entities which conduct biomedical and behavioral research with Federal financial assistance to equip and modernize their research facilities in order to meet the standards referred to in paragraph (2); and

(B) the amounts that would be expended by entities which have not previously conducted such research with Federal financial assistance to establish, modernize, or equip facilities in order to meet such standards;

(4) review Federal and State laws and regulations governing the use of live animals in biomedical and behavioral research conducted by research institutions, medical facilities, academic institutions, and training programs;

(5) evaluate the extent to which accrediting laboratories and research facilities protect animals against inhumane treatment;

(6) evaluate the actions taken by the National Institutes of Health to support research to develop research and testing methodologies which will decrease the number of live animals used in biomedical and behavioral research;

(7) evaluate the actions taken by the National Institutes of Health to improve oversight of the use of live animals in biomedical and behavioral research by entities which receive Federal financial assistance through the National Institutes of Health or any of its agencies to support such research; and

(8) evaluate the activities undertaken by the National Institutes of Health to insure the humane care and treatment, and appropriate use, of live animals in biomedical and behavioral research conducted or supported by the National Institutes of Health or any of its agencies.

(c) Within eighteen months after the date of enactment of this section, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, and make available to the public, a report—

(1) describing the study conducted under this section;

(2) containing a statement of the data obtained under such study; and

(3) specifying such recommendations for legislation and administrative action with respect to the use of live animals in biomedical and behavioral research as the Secretary considers appropriate.

INTERAGENCY COMMITTEE ON SPINAL CORD INJURY

SEC. 6. (a) The Secretary shall establish in the National Institute of Neurological and Communicative Disorders and Stroke an Interagency Committee on Spinal Cord Injury to plan, develop, coordinate, and implement comprehensive Federal initiatives in research on spinal cord regeneration.

(b)(1) The Committee shall consist of individuals from the—

(A) National Institute on Neurological and Communicative Disorders and Stroke,

(B) Department of Defense,

(C) Department of Education,

(D) Veterans' Administration,

(E) Office of the Science Advisor to the President, and

(F) National Science Foundation, selected by the heads of such entities.

(2) The Committee shall meet at least four times a year. The Secretary shall desig-

nate the Chairman from the representatives of the Committee selected under paragraph (1). The Secretary shall make such designations so that a representative from each agency referred to in paragraph (1) will serve as Chairman of the Committee. The Chairman shall serve for a term of one year.

(c) The Committee shall prepare an annual report for Congress on its activities. The report shall include a description of research projects on spinal cord regeneration conducted or supported by Federal agencies in the fiscal year for which the report is made, the nature and purpose of each such project, the amounts expended for each such project, and an identification of the entity which conducted the research under each such project. Such report shall be submitted not later than the one hundred and twentieth day after the end of each fiscal year. The Committee shall terminate September 30, 1986.

STUDY OF PERSONNEL FOR HEALTH NEEDS OF THE ELDERLY

SEC. 7. (a) The Secretary shall conduct a study on the adequacy and availability of personnel to meet the current and projected health needs of elderly Americans through the year 2020.

(b) The Secretary shall report the results of the study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate by March 1, 1985. The report on the study shall contain recommendations on—

(1) the number of primary care physicians and other health personnel needed to provide adequate care for the elderly;

(2) the training needs of physicians (including specialists) and other health personnel to provide care responsive to the particular needs of the elderly;

(3) necessary changes in Medicare and other third party reimbursement necessary to support training of primary care and other physicians to meet the needs of the elderly; and

(4) necessary program changes in third party reimbursement programs (including changes in Medicare programs) to support training of other health personnel in the care of the elderly.

INTERAGENCY COMMITTEE ON LEARNING DISABILITIES

SEC. 8. (a) Not later than ninety days after the date of the enactment of this Act, the Director of the National Institutes of Health shall establish an Interagency Committee on Learning Disabilities to review and assess Federal research priorities, activities, and findings regarding learning disabilities (including central nervous system dysfunction in children).

(b) The Committee shall be composed of such representatives as the Director may designate, but shall include representatives from the National Institute of Neurological and Communicative Disorders and Stroke, the National Institute of Child Health and Human Development, the National Institute of Allergy and Infectious Diseases, the National Institute of Environmental Health Sciences, and the Division of Research Resources of the National Institutes of Health.

(c) Not later than eighteen months after the date of the enactment of this Act, the Committee shall report to the Congress on its activities under subsection (a) and shall include in the report—

(1) the number of persons affected by learning disabilities and the demographic data which describes such persons;

(2) a description of the current research findings on the cause, diagnosis, treatment, and prevention of learning disabilities; and

(3) recommendations for legislation and administrative actions—

(A) to increase the effectiveness of research on learning disabilities and to improve the dissemination of the findings of such research; and

(B) respecting specific priorities for research in the cause, diagnosis, treatment, and prevention of learning disabilities.

(d) The Committee shall terminate on the ninetieth day following the date of the submission of the report under subsection (c).

DIET THERAPY FOR KIDNEY FAILURE

SEC. 9. The Director of the National Institute of Diabetes and Digestive and Kidney Diseases shall conduct research into the role of diet therapy in the treatment of end stage renal disease. The Director shall report to Congress the results of such research not later than January 1, 1987.

NATIONAL COMMISSION ON ORPHAN DISEASES

SEC. 10. (a) There is established the National Commission on Orphan Diseases.

(b) The Commission shall assess the activities of the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, and other public agencies, and of private entities in connection with—

(1) basic research conducted on rare diseases;

(2) the use in research on rare diseases of knowledge developed in other research;

(3) applied and clinical research on the prevention, diagnosis, and treatment of rare diseases; and

(4) the dissemination of knowledge developed in research on rare diseases and other diseases to the public, health care professionals, researchers, and drug and medical device manufacturers which can be used in the prevention, diagnosis, and treatment of rare diseases.

(c) In assessing the activities of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration in connection with research on rare diseases, the Commission shall review—

(1) the appropriateness of the priorities currently placed on research on rare diseases;

(2) the relative effectiveness of grants and contracts when used to fund research on rare diseases;

(3) the appropriateness of specific requirements applicable to applications for funds for research on rare diseases taking into consideration the reasonable capacity of applicants to meet such requirements;

(4) the adequacy of the science base for such research, including the adequacy of the research facilities and research resources used in such research and the appropriateness of the scientific training of the personnel engaged in such research;

(5) the effectiveness of activities undertaken to encourage such research;

(6) the organization of the peer review process applicable to applications for funds for such research to determine if the organization of the peer review process could be revised to improve the effectiveness of the review provided to proposals for research on rare diseases;

(7) the effectiveness of the coordination between the national research institutes of the National Institutes of Health, the institutes of the Alcohol, Drug Abuse, and Mental Health Administration, and private entities in supporting such research; and

(8) the effectiveness of activities undertaken to assure that knowledge developed in research on non-rare diseases is, when appropriate, used in research on rare diseases.

(d) The Commission shall be composed of twenty members appointed by the Secretary of Health and Human Services as follows:

(1) Ten members shall be appointed from individuals who are not officers or employees of the Government and who by virtue of their training or experience in research on rare diseases or in the treatment of rare diseases are qualified to serve on the Commission.

(2) Five members shall be appointed from individuals who are not officers or employees of the Government and who have a rare disease or are employed to represent or are members of an organization concerned about rare disease.

(3) Five nonvoting members shall be appointed from—

(A) directors of national research institutes of the National Institutes of Health; or

(B) directors of institutes of the Alcohol, Drug Abuse, and Mental Health Administration, which the Secretary determines are involved with rare diseases.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(e) If any member of the Commission who was appointed to the Commission as a director of a national research institute or an institute of the Alcohol, Drug Abuse, and Mental Health Administration leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of the Government becomes an officer or employee of the Government, he may continue as a member of the Commission for not longer than the ninety-day period beginning on the date he leaves that office or becomes such an officer or employee, as the case may be.

(f) Members shall be appointed for the life of the Commission.

(g)(1) Except as provided in paragraph (2), members of the Commission shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel-time) during which they are engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission who are full-time officers or employees of the Government shall receive no additional pay by reason of their service on the Commission.

(h) The Chairman of the Commission shall be designated by the members of the Commission.

(i) Subject to such rules as may be prescribed by the Commission, the Commission may appoint and fix the pay of such personnel as it determines are necessary to enable the Commission to carry out its functions. Personnel shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(j) Subject to such rules as may be prescribed by the Commission, the Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for in-

dividuals not to exceed the daily equivalent of the basic pay payable for grade GS-15 of the General Schedule.

(k) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(l) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(m) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(n) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(o) The Commission shall transmit to the Secretary and to each House of the Congress a report not later than September 30, 1985, on the activities of the Commission. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for—

(1) such legislation or administrative actions, as it considers appropriate, respecting changes in the organization and operation of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration; and

(2) a long range plan for the use of public and private resources to improve research into rare diseases and to assist in the prevention, diagnosis, and treatment of rare diseases.

(p) The Commission shall cease to exist on the ninetieth day following the date of the submittal of its report under subsection (o).

(q) The Director of the National Institutes of Health shall make available \$1,000,000 to the Commission from appropriations for fiscal year 1984 for the National Institutes of Health.

PRESIDENT'S COMMISSION ON THE HUMAN APPLICATION OF GENETIC ENGINEERING

SEC. 11. (a) There is established the President's Commission on the Human Applications of Genetic Engineering (hereinafter in this section referred to as the "Commission").

(b)(1) The Commission shall conduct, and regularly update, comprehensive reviews of developments in genetic engineering that have implications for human genetic engineering, including activities in recombinant DNA technology, and shall examine the medical, legal, ethical, and social issues presented by the human application of such developments.

(2) The Commission shall undertake such other studies as are consistent with the purposes of the Commission on its own initiative or upon the request of—

(A) the President,

(B) the head of a Federal agency, or

(C) a committee of the Congress.

(c) The Commission shall be composed of fifteen members appointed by the President as follows:

(1) Six members shall be appointed from scientists and physicians who are eminent in the field of genetics, including molecular, microbial, and human genetics, and health

care, including public health. Of such members—

(A) there shall be appointed from individuals who have been recommended for appointment by the President of the National Academy of Sciences, and

(B) there shall be appointed from individuals who are recommended for appointment by the Director of the National Institutes of Health.

(2) Six members shall be appointed from individuals who are not scientists or physicians and who as a group have expertise in the fields of law, theology, ethics, and the social behavioral sciences.

Three members shall be appointed from individuals who are not scientists or physicians and who are members of the general public.

Except for individuals appointed under paragraph (1)(B), no individual who is a full-time officer or employee of the Federal Government may be appointed to the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d)(1) Except as provided in paragraphs (2) and (3), members shall be appointed for terms of four years.

(2) Of the members first appointed—

(A) five members shall be appointed for a term of four years;

(B) five members shall be appointed for a term of three years; and

(C) five members shall be appointed for a term of two years;

as designated by the President at the time of appointment.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(e)(1) Except as provided in paragraph (2), members of the Commission shall each be paid at a rate equal to the rate of basic pay payable for grade GS-18 of the General Schedule.

(2) Members of the Commission who are full-time officers or employees of the Federal Government shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(f)(1) Eight members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(2) The Chairman of the Commission shall be appointed by the President, by and with the advice and consent of the Senate, from individuals appointed under subsection (c)(2).

(3) The Vice-Chairman of the Commission shall be appointed by the President, by and with the advice and consent of the Senate, from individuals appointed under subsection (c)(1)(A).

(3) The Commission shall meet at the call of the Chairman or a majority of its members.

(h)(1) Subject to such rules as may be prescribed by the Commission, the Commission may appoint and fix the pay of such personnel as it considers appropriate.

(2) The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(3) Subject to such rules as may be prescribed by the Commission, the Commission

may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the annual rate of basic pay payable for GS-15 of the General Schedule.

(4) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(i) The Secretary of Health and Human Services, the Director of the Office of Science and Technology Policy, the Director of the National Science Foundation, and the Director of the National Endowment for the Humanities shall each designate an individual to provide liaison with the Commission.

(j)(1) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, administer oaths, take such testimony, and receive such evidence under subpoena or otherwise, as the Commission considers appropriate. Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(2) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(k)(1) Upon the completion of each investigation or study undertaken by the Commission, the Commission shall report its findings and recommendations (including recommendations for legislation or administrative action) to the President, the Congress, and each Federal agency to which the recommendation applies.

(2) Not later than December 15 of each year, the Commission shall transmit to the President and to each House of the Congress an annual report of its activities under section 2 which shall include a list of all recommendations made by the Commission under subsection (a) during the year for which the report is made.

(l) There is authorized to be appropriated for the Commission \$1,500,000 for fiscal year 1984, \$1,500,000 for fiscal year 1985, and \$1,500,000 for fiscal year 1986.

(m) This section is repealed effective March 30, 1987.

REVIEW OF DISEASE RESEARCH PROGRAMS OF THE NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

SEC. 12. The Secretary of Health and Human Services shall conduct an administrative review of the disease research programs of the National Institute of Diabetes and Digestive and Kidney Diseases to determine if any of such programs could be more effectively and efficiently managed by other national research institutes. The Secretary shall complete such review within the sixty-

day period beginning on the date of the enactment of this section.

EFFECTIVE DATE

SEC. 13. This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act. The authority to enter into contracts under section 5 and to make payments under sections 10 and 11 shall be effective for any fiscal year only to the extent that appropriations are generally available for that purpose.

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. HANSEN of Utah. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Utah. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, if the gentleman has reserved the right to object, I would want to make a comment in connection with his reservation.

I wish to assure the gentleman that the amendment offered by this gentleman from Michigan represents the provisions of H.R. 2350, the Health Research Extension Act, which passed the House by voice vote last year.

The matter in which we are now engaged has been cleared with my colleagues on the minority side, particularly the gentleman from North Carolina (Mr. BROYHILL) who is the senior Republican member.

Mr. HANSEN of Utah. May I ask, is it the gentleman's intention to request a conference with the other body on this matter upon adoption of the pending amendment?

Mr. DINGELL. If the gentleman will yield, that is correct.

Mr. HANSEN of Utah. Mr. Speaker, I thank the gentleman for his explanation and I withdraw my reservation of objection and urge support of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DINGELL).

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and National Re-

search Institutes, and for other purposes."

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DINGELL. Mr. Speaker, I assume we have completed the business of getting this matter to conference?

The SPEAKER pro tempore. The gentleman has not asked for a conference.

APPOINTMENT OF CONFEREES ON S. 540, HEALTH RESEARCH EXTENSION ACT OF 1983

Mr. DINGELL. Mr. Speaker, pursuant to clause 1 of rule XX and by direction of the Committee on Energy and Commerce, I move to take from the Speaker's table the Senate bill S. 540, with the House amendments thereto, insist on the House amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. DINGELL, WAXMAN, SCHEUER, BROYHILL, and MADIGAN.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, June 6, 1984.

COMMERCIAL SPACE LAUNCH ACT

Mr. VOLKMER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3942) to provide for commercialization of expendable launch vehicles and associated services, as amended.

The Clerk read as follows:

H.R. 3942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Commercial Space Launch Act".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) the peaceful uses of outer space continue to be of great value and to offer benefits to all mankind;

(2) private applications of space technology have achieved a significant level of commercial and economic activity, and offer the potential for growth in the future, particularly in the United States;

(3) new and innovative equipment and services are being sought, created, and offered by entrepreneurs in telecommunications, information services, and remote sensing technology;

(4) the private sector in the United States has the capability of developing and providing private satellite launching and associated services that would complement the launching and associated services now available from the United States Government;

(5) the development of commercial launch vehicles and associated services would enable the United States to retain its competitive position internationally, thereby contributing to the national interest and economic well-being of the United States;

(6) provision of launch services by the private sector is consistent with the national security and foreign policy interests of the United States and would be facilitated by stable, minimal, and appropriate regulatory guidelines that are fairly and expeditiously applied; and

(7) the United States should encourage private sector launches and associated services and, only to the extent necessary, regulate such launches and services in order to ensure compliance with international obligations of the United States and to provide for the national security, foreign policy, and public safety interests of the United States.

PURPOSES

SEC. 3. It is therefore the purpose of this Act—

(1) to promote economic growth and entrepreneurial activity through utilization of the space environment for peaceful purposes;

(2) to encourage the United States private sector to provide launch vehicles and associated launch services by simplifying and expediting the issuance of commercial launch licenses and by facilitating and encouraging the utilization of Government-developed space technology; and

(3) to designate an executive department to oversee and coordinate the conduct of commercial launch operations, to issue commercial launch licenses authorizing such activities, and to ensure that public safety, foreign policy, and national security interests of the United States are met.

DEFINITIONS

SEC. 4. For purposes of this Act—

(1) "agency" means an executive agency as defined by section 105 of title 5, United States Code;

(2) "launch" means to place, or attempt to place, a launch vehicle and payload, if any, in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space;

(3) "launch site" means the location from which a launch takes place, as defined in any license issued by the Secretary under section 7 of this Act, and includes all facilities.

ties located thereon which are necessary to conduct a launch;

(4) "launch vehicle" means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space, and any sounding rocket;

(5) "payload" means an object which a person undertakes to place in outer space by means of a launch vehicle, and includes sub-components of the launch vehicle specifically designed or adapted for that object;

(6) "launch property" means tooling, propellants, launch vehicles and components thereof, and other physical items constructed for or used in the manufacture, launch preparation, or launch of a launch vehicle;

(7) "person" means any individual and any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of any State or any nation;

(8) "Secretary" means the Secretary of Transportation;

(9) "State", and "United States" when used in a geographical sense, mean the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States, Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States; and

(10) "United States citizen" means—

(A) any individual who is a citizen of the United States;

(B) any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of the United States or any State;

(C) any corporation, partnership, joint venture, association, or other entity (whether organized or existing under the laws of a State or a foreign nation) if the controlling interest in such entity is held by an individual or entity described in subparagraph (A) or (B).

GENERAL RESPONSIBILITIES OF THE SECRETARY AND OTHER AGENCIES

SEC. 5. (a) The Secretary shall be responsible for carrying out this Act, and in doing so shall—

(1) encourage, facilitate, and promote commercial space launches by the private sector; and

(2) consult with other agencies to provide consistent application of licensing requirements under this Act and to ensure fair and equitable treatment for all license applicants.

(b) To the extent permitted by law, Federal agencies shall assist the Secretary as necessary in carrying out the provisions of this Act.

REQUIREMENT OF LICENSE FOR PRIVATE SPACE LAUNCH OPERATIONS

SEC. 6. (a) No person shall launch a launch vehicle or operate a launch site within the United States and no United States citizen shall launch a launch vehicle or operate a launch site outside the United States unless authorized to do so under a license issued under this Act.

(b) No United States citizen or other person who holds a license issued under this Act may launch a payload unless that payload complies with all requirements of Federal law. The agency having primary authority under any such Federal law shall determine such compliance and shall certify such determination to the Secretary. The Secretary may take such action under this Act as the Secretary deems necessary to prevent the launch of a payload by a holder of a license issued under this Act if the Secretary determines, after consultation with other

appropriate agencies, that the launch of such payload would jeopardize safety of life and property or the national security and foreign policy interests of the United States.

(c) Except for a license issued under this Act (and any approval, waiver, or exemption required as a condition of such license) and licenses issued under the Federal Communications Act of 1934, as amended, no license, approval, waiver, or exemption need be obtained by a person from any Federal agency for the launching of a launch vehicle or the operation of a launch site.

AUTHORITY TO ISSUE AND TRANSFER LICENSES

SEC. 7. The Secretary is authorized to issue or transfer a license for launching one or more launch vehicles or for operating one or more launch sites, or both, to an applicant who meets the requirements of this Act and the regulations issued by the Secretary under this Act. Any license issued under this section shall be in effect for such period of time as the Secretary may specify, in accordance with the procedures specified under section 13 of this Act.

LICENSING REQUIREMENTS

SEC. 8. (a) The Secretary shall prescribe by regulation requirements for the issuance or transfer of a license under section 7 of this Act.

(b) In prescribing licensing requirements under subsection (a) of this section, the Secretary shall consult with appropriate agencies to ensure that such requirements are consistent with existing law and treaties only to the extent the Secretary deems necessary to ensure that private launch operations satisfy national security, public safety, and foreign policy concerns of the United States. The Secretary may prescribe any additional requirements that are necessary to ensure that private launch operations satisfy national security, public safety, and foreign policy concerns of the United States.

(c) After consultation with appropriate agencies, the Secretary may, in individual cases, waive the application of any requirement prescribed under subsection (a) with respect to a license if the Secretary determines that such waiver is in the public interest and will not jeopardize safety of life or property or the national security and foreign policy interests of the United States.

LICENSE APPLICATION AND APPROVAL

SEC. 9. (a) Any person may apply to the Secretary for issuance or transfer of a license under this Act, in such form and manner as the Secretary may prescribe. The Secretary shall establish procedures and timetables to expedite review of applications under this section and to reduce regulatory burdens for applicants.

(b) The Secretary shall issue or transfer a license to an applicant if the Secretary determines in writing, after consultation with appropriate agencies, that the applicant complies and will continue to comply with the requirements of this Act and the regulations under this Act. The Secretary shall include in such license such conditions as may be necessary to ensure compliance with this Act and the regulations issued under this Act. The Secretary shall make a determination on any application not later than 120 days after receipt of such application. If the Secretary has not made a determination within such 120-day period, the Secretary shall inform the applicant of any pending issues and of actions required to resolve such issues.

(c) Neither the Secretary nor any other officer or employee of the United States may

disclose any data or information under this Act which qualifies for exemption under section 552(b)(4) of title 5, United States Code, or is designated as confidential by the person or agency furnishing such data or information, unless the Secretary determines that the withholding thereof is contrary to the public or national interest.

SUSPENSION, REVOCATION, AND MODIFICATION OF LICENSES

SEC. 10. (a) The Secretary may suspend or revoke any license issued under this Act if the Secretary finds and notifies the licensee in writing, after consultation with appropriate agencies, that the licensee has substantially failed to comply with any provision of this Act, the license, or any regulation issued under this Act, or that the suspension or revocation is necessary upon the basis of any foreign policy or national security concern of the United States.

(b) Upon application by the licensee or upon his or her own initiative, the Secretary may modify a license issued under this Act, if the Secretary finds and notifies the licensee in writing that the modification will comply with the requirements of this Act and the regulations issued under this Act.

(c) An order suspending, revoking, or modifying a license under this section shall take effect 30 days after it is issued unless the licensee seeks review under section 12(a)(2) within such 30-day period.

EMERGENCY ORDERS

SEC. 11. (a) The Secretary is authorized to immediately terminate, prohibit, or suspend any operation licensed by the Secretary if the Secretary, after consultation with the Secretary of Defense and the Secretary of State, as appropriate, determines that such operation is detrimental to safety of life and property or to the national security or foreign policy interests of the United States.

(b) An order terminating, prohibiting, or suspending any operation licensed by the Secretary under this section shall take effect immediately and shall continue in effect during any review of such order under section 12.

ADMINISTRATIVE AND JUDICIAL REVIEW

SEC. 12. (a)(1) An applicant for a license and a proposed transferee of a license under this Act shall be entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, of any decision of the Secretary under section 9(b) to issue or transfer a license with conditions or to deny the issuance or transfer of such license.

(2) A licensee under this Act shall be entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, of any decision of the Secretary under section 10 to suspend, revoke, or modify a license.

(3) A licensee under this Act shall be entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, of any decision of the Secretary under section 11 to terminate, prohibit, or suspend any operation licensed by the Secretary.

(b) Any final action of the Secretary under this section to issue, transfer, deny the issuance or transfer of, suspend, revoke, or modify a license or to terminate, prohibit, or suspend any operation licensed by the Secretary shall be subject to judicial review as provided in chapter 7 of title 5, United States Code.

REGULATIONS

SEC. 13. The Secretary is authorized to issue such regulations, after notice and comment in accordance with section 553 of title 5, United States Code, as may be necessary to carry out this Act.

MONITORING OF ACTIVITIES OF LICENSEES

SEC. 14. Each license issued or transferred under this Act shall require the licensee—

(1) to allow the Secretary to place Federal officers or employees as observers at any launch site used by the licensee and at any production facility or assembly site used by a contractor of the licensee in the production or assembly of a launch vehicle or its payload, in order to monitor the activities of the licensee or contractor at such time and to such extent as the Secretary deems reasonable and necessary to determine compliance with the license; and

(2) to cooperate with such observers in the performance of monitoring functions.

USE OF GOVERNMENT PROPERTY

SEC. 15. (a) The Secretary shall take such actions as may be necessary to facilitate and encourage the acquisition by lease, sale, or otherwise, by the private sector of launch property or services of the United States which is excess or is otherwise not for the time needed for public use.

(b) Notwithstanding any other provisions of law, the Secretary may, after consultation with other affected agencies of the United States, establish and collect from any person a reimbursement for the lease, sale, or other use of launch property, launch services, launch vehicles and components thereof, and launch support equipment of the United States. The amount of any reimbursement, in the case of temporary use, shall be established in an amount equal to the direct costs, including any specific wear and tear or damage to the property or facilities, and salaries of United States civilian and contractor personnel incurred by the United States as a result of such use. The amount of any such proceeds in the case of sales shall be fair market value or value of benefit to the recipient, whichever is greater. The amount of any such reimbursement or proceeds of sales shall be deposited in the general fund of the Treasury, except that payments for utilities or services furnished by any agency to a buyer or lessee under this section shall be covered into the Treasury to the credit of the appropriation from which the cost of furnishing them was paid.

(c) The Secretary may, after consultation with the other affected agencies of the United States, establish requirements for liability insurance, hold harmless agreements, proof of financial responsibility, and such other assurances as may be needed to protect the United States, its agencies and personnel, from liability or loss or injury as a result of commercial space launch activities involving Government facilities or personnel.

LIABILITY INSURANCE

SEC. 16. Each person who launches a launch vehicle or operates a launch site under a license issued under this Act shall have in effect liability insurance in an amount prescribed by the Secretary which is sufficient at a minimum to satisfy international obligations of the United States.

ENFORCEMENT AUTHORITY

SEC. 17. (a) The Secretary shall be responsible for the administration and enforcement of the provisions of this Act. The Secretary is authorized to delegate the exercise of any enforcement authority under this Act to

any officer or employee of the Department of Transportation or of any other agency with the approval of the head of such agency.

(b) In carrying out this section, the Secretary may—

(1) make investigations and inquiries, and administer to or take from any person an oath, affirmation, or affidavit, concerning any matter relating to enforcement of this Act; and

(2) with or without a warrant or other process—

(A) enter at any reasonable time any launch site or production facility or assembly site of a launch vehicle and its payload, if any, for the purpose of conducting any inspection of, and inspect, any object which is subject to the provisions of this Act and any records or reports required by the Secretary to be made or kept under this Act; and

(B) seize any such object, record, or report where it reasonably appears that such object, record, or report was used in violation of this Act.

PROHIBITED ACTS

SEC. 18. It is unlawful for any person to violate any requirement of this Act, a regulation issued under this Act, or any term, condition, or restriction of any license issued by the Secretary under this Act.

CIVIL PENALTIES

SEC. 19. (a) Any person who is found by the Secretary, after notice and opportunity to be heard on the record in accordance with section 554 of title 5, United States Code, to have committed any act prohibited by section 18 shall be liable to the United States for a civil penalty of not more than \$100,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary by written notice. The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

(b) If any person fails to pay a civil penalty assessed against such person after the penalty has become final, or in any case in which such person appeals an order of the Secretary after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall recover the civil penalty assessed in any appropriate district court of the United States.

(c) For the purposes of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, documents, and other records, and may administer oaths, and may seek enforcement of such subpoenas in the appropriate district court of the United States.

AUTHORIZED APPROPRIATIONS

SEC. 20. There are authorized to be appropriated to the Secretary \$4,000,000 for fiscal year 1985 and such sums as may be necessary to carry out the provisions of this Act for fiscal years 1986, 1987, 1988, and 1989.

EFFECTIVE DATE

SEC. 21. (a) Except for the authority to issue regulations, this Act shall take effect one hundred and eighty days after the date of enactment of this Act.

(b) Regulations to implement this Act shall be promulgated not later than 180 days after the date of enactment of this Act.

RELATIONSHIP TO STATE LAW

SEC. 22. The authority of States to regulate space launch activities within their jurisdic-

tions, or that affect their jurisdictions, is unaffected by this Act, but the Secretary is authorized, and shall make every effort, to consult with the States to simplify and speed the overall process of approval of space launch activities.

RELATIONSHIP TO OTHER LAW

SEC. 23. (a) A launch vehicle shall not, by reason of the launching of such vehicle, be considered an export for purposes of any law controlling exports.

(b) Nothing in this Act shall apply to the launch or operation of a launch vehicle, the operation of a launch site, or any other space launch activity carried out by the United States, or any planning or policies relating to any such launch, operation or activity.

REPORT ON LEGISLATION

SEC. 24. Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing all activities undertaken pursuant to this Act, including a description of the process for the application for and approval of licenses under this Act and recommendations for legislation that may further commercial launch activities. Such report shall also identify Federal statutes, treaties, regulations, and policies which may have an adverse effect on commercial space launch operations and include recommendations on appropriate changes thereto.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Missouri (Mr. VOLKMER) will be recognized for 20 minutes and the gentleman from Washington (Mr. CHANDLER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. VOLKMER).

GENERAL LEAVE

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3942.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. VOLKMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3942, the Commercial Space Launch Act.

This legislation culminates efforts by the Committee on Science and Technology to devise an effective legislative framework that will facilitate and control space launch services provided by private parties.

The bill is the product of numerous hearings and extensive deliberations by the committee. Many Members have contributed substantially in developing the bill now before us, but I want to recognize, especially, Mr. AKAKA for his initiative and foresight in introducing this legislation. I also want to acknowledge and thank the chairman of the committee, DON FUQUA of Florida, the ranking minority member of the committee, LARRY WINN of Kansas, and the ranking mi-

nority member of the subcommittee, MANUEL LUJAN of New Mexico, and ROD CHANDLER of Washington for their leadership and efforts on this legislation.

Mr. Speaker, the committee has always supported the commercialization of space technology when appropriate, while realizing that such commercialization might need statutory policy guidance. Commercial launch services is one such area where this guidance is necessary.

The activities of private parties who provide commercial launch services must be supervised by the Government to insure public safety and to accommodate the foreign policy and national security interests of the United States. This supervision, however, must be exercised in a manner that allows a commercial launch industry to grow while also satisfying government concerns. This legislation represents such an approach.

Currently, any private party who wishes to engage in commercial launch operations must confront a Government approval process that may involve as many as 18 Federal agencies and 22 different statutes and sets of regulations, none of which were originally intended to oversee commercial launch operations. This regulatory climate poses a formidable and unnecessary obstacle to space commercialization. H.R. 3942 replaces this inhibiting atmosphere with a consolidated, comprehensive regulatory framework that will make it easier for a commercial launch industry to prosper.

The bill would establish a centralized government decisionmaking process for approving private space launches. A single agency, the Department of Transportation would be responsible for issuing and enforcing commercial launch licenses. These licenses would subsume currently required licenses and approvals for private launches, except for FCC licenses. The Department of Transportation would have to consult with other agencies in the license approval process and would be required to act on license applications within 120 days of receipt. Launch licensing requirements, prescribed by regulation by the DOT Secretary, would comprise only those necessary to insure satisfaction of public safety, foreign policy, and national security concerns. The DOT Secretary would be authorized, after consulting with the appropriate agencies, to waive specific requirements on an individual basis with respect to any launch and to halt any licensed operation on an immediate basis if such action were necessary for public safety, foreign policy, or national security reasons.

H.R. 3942 would also require private launch operators to have liability insurance in order to meet international treaty obligations. Also, the bill would

authorize the Department of Transportation to facilitate the acquisition of Government launch property by private parties and to charge a fee for such use. State law would not be preempted by this legislation. In addition, the approval process for payloads launched by private parties would be unaffected by the bill and would remain as provided for under existing law. However, the Secretary would be responsible for insuring the proper integration of payloads with private launch vehicles for safety reasons. The bill does not apply to Government launch activities.

Mr. Speaker, world market demand for launch services will undoubtedly increase in the years ahead. Expansion of U.S. commercial launch services as a complement to the space shuttle will enhance domestic economic activity and assure U.S. competitiveness in capturing the space launch market. This legislation would contribute substantially to this goal and I urge its adoption by this body.

□ 1220

Mr. FUQUA. Mr. Speaker, will the gentleman from Missouri yield?

Mr. VOLKMER. I yield to the gentleman from Florida, chairman of the committee.

Mr. FUQUA. I appreciate the gentleman yielding.

Mr. Speaker, I rise in support of the bill, and wish to commend the gentleman from Missouri (Mr. VOLKMER) and the members of the subcommittee on both sides of the aisle for the work and dedication that they put forth in bringing this bill to the floor today.

It is a one-stop service and further addresses a new dimension into the commercialization of space and the further broadening of the activities that are to be available in the space arena. I commend the gentleman.

The bill has wide support on both sides of the aisle. I commend the gentleman and subcommittee for the work they did in bringing it to this point.

Mr. Speaker, I rise in support of H.R. 3942, the Commercial Space Launch Act.

This bill, if enacted, will assist the buildup of a new commercial space launch industry.

Government supervision over private launch activities is needed to provide for the public safety, and to meet national security and foreign policy concerns. However, private sector launch activities are currently burdened by redtape and inefficiencies resulting from the participation of too many Federal agencies in commercial launch oversight and control. Some 18 Federal agencies, relying on statutes and regulations that were never intended to control commercial launch operations, have become involved in the regulation of commercial launch activity. H.R. 3942 replaces this current ad

hoc, confused approach with a streamlined regulatory framework for the promotion and efficient control of private launch activities.

The bill designates the Department of Transportation as the lead agency for commercial space launch activity. Under H.R. 3942, the Department of Transportation is assigned responsibility for issuing and enforcing commercial launch licenses and for encouraging private sector utilization of Government-developed space technology.

The DOT Secretary will define by regulations the requirements for private launches, which will subsume currently required licenses and approvals for private launches, except for an FCC license. The DOT Secretary is required to consult with those Federal agencies which currently may be involved in overseeing some aspect of a commercial launch. This will insure the satisfaction of license requirements necessary to meet public safety. National security and foreign policy concerns. DOT-Agency consultation will continue throughout the launch licensing process.

The DOT Secretary will also promote commercial launch activity by facilitating the lease and acquisition of Government-launch property by private parties.

The bill does not govern payloads, which shall continue to be cleared for launch under the current process. Also, the bill does not apply to Government-launch activity. The bill authorizes \$4 million for fiscal year 1985. We anticipate that reimbursements collected from the sale or lease of Government-launch facilities will offset some of these costs.

This bill is an important step the Congress can take to boost domestic economic activity and enhance U.S. competitiveness in capturing the space launch market. Starstruck, Inc., one of the leaders in the commercial space launch industry, has called the act "a major milestone in the development of a sensible and effective regulatory regime for space."

I encourage Members support of H.R. 3942 as an important step in developing a robust commercial launch industry.

Mr. CHANDLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin in my remarks supporting H.R. 3942, the Commercial Space Launch Act, by also commending those leaders who have worked on it, and especially the chairman of the subcommittee, Mr. VOLKMER; and Mr. LUJAN, the ranking minority member for their leadership in the development of this farsighted approach to regulating a potentially exciting new industry, the expending commercial space launch market.

I think special mention also should go to Mr. AKAKA for the original sponsorship of this legislation and his role as head of the space caucus.

Recent debate on the NASA authorization bill revealed that we are entering truly a new age of space commercialization in such areas as communication and space manufacturing. Recognition of the importance of this mission was confirmed by the Congress by its overwhelming commitment to continuation of the space shuttle program and to the new space station initiative.

Today we have the opportunity to take another important step toward promoting the peaceful use of space by passage of this legislation, not only embracing the ELV licensing but the licensing of other launch vehicles.

The purposes of the bill are threefold; to promote economic growth in the United States by encouraging the private sector to provide space launch services, to simplify the process of licensing commercial launch operations and to assign principal responsibility to the Department of Transportation for overseeing commercial launch operations and for issuing licenses to conduct such activities.

The bill, I believe, is a result of careful review by the committee of testimony by industry groups and the administration, all of which supported a centralized approach to regulated space launch services by private industry.

The legislation essentially provides legislative authority for an executive order now in effect. The experience in Washington State with energy facilities evaluation councils strongly suggest the wisdom of this central authority approach. We also want to note that this bill has and should have minimal restrictions on the private launch of expendable vehicles.

Mr. Speaker, H.R. 3942 represents an important legislative initiative consistent with President Reagan's national space policy of 1982 and the President's policy directive of 1983 on commercialization of expendable launch vehicles which affirms that the Government will encourage private sector investment and involvement in civil space activities and will facilitate the commercialization of ELV's.

It is also a policy long supported by the Science and Technology Committee and the Congress, it is deserving of our Members' strongest support.

Mr. VOLKMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii (Mr. AKAKA).

Mr. AKAKA. I thank the subcommittee chairman very much.

Mr. Speaker, I rise in support of H.R. 3942, the Expendable Launch Vehicle Commercialization Act. I want to take this opportunity to commend the members of the Committee on Science and Technology for their quick and thorough action on this bill. Without

the able leadership demonstrated by the chairmen of the full committee and of the Subcommittee on Space Science and Applications, this bill never would have seen the light of day and would probably have remained an inspired dream of a congenial Congressman from Hawaii.

First introduced in the closing days of the 97th Congress, this bill has been around for a long time and yet, the concepts behind this bill are as sound and as vitally important today as they were 3 years ago.

As you know, I have long been on record as one who believes that an investment in space and space-related technologies is one of the soundest economic investments that we can make in the future of our Nation. For every \$1 we have invested in the space program, we have gotten a return of \$7-\$14. The space program drives our technology base and allows us to remain competitive in the international arena of high technology. Investing in our space program is a sound economic strategy for the future.

When we invest in the kind of long-term research and development that is the centerpiece of our space program, we also invest in the development of the kind of high technology which may prove to be an integral part of our future.

Technology developed for the space program is now used to better the quality of our lives right here on Earth. The space program brought us the miniaturization used in today's computer technology, velcro, teflon and tang, just to name a few of the commonly known ones. More importantly, more than 3,500 inventions that can be applied on Earth are now available for licensing as a result of spinoffs from the space program. Programmable medication systems implanted under the skin and ultralightweight materials are prime examples of space technology spinoffs. Thanks to the technology developed for the space program, walkers weighing less than half of the weight of aluminum can be made for the handicapped, thus improving the quality of their lives today. The marriage of computers, artificial intelligence, and robotics may make the term "handicapped" obsolete in the 1990's, thanks to research being done right now for our space program.

It is, in summary, readily apparent to everyone precisely why we should continue to invest in our Nation's space effort. The role for the Federal Government is indeed an impressive one.

The role for the private sector is also an impressive one and it is the essence of that role and the development of that role which lie at the very heart of H.R. 3942.

It has been estimated that by the year 2000, commercial space activities

may be worth as much as \$200-\$300 billion to our national economy; commercial space activities may account for as many as 10 million jobs by the year 2000. By the year 2000, in fact, commercial manufacturing in space may be routine, with the production of drugs and products in space accounting for a major sphere of economic activity.

It is perfectly clear that the potential for commercial space development is vast, and replete with enormous economic opportunity for the future. It is also perfectly clear that the final responsibility for commercial space development rests with the private sector, and not with the Federal Government.

The Federal Government bears a major responsibility for the entry of the commercial sector into the marketplace, but that is also where the responsibility of the Federal Government should end. The role of the Federal Government in the arena of commercial space activity should be limited to clearing away the obstacles to which the private sector has been subjected. And that is precisely why H.R. 3942 is so very important. H.R. 3942 streamlines the Federal Government's approval process for those companies wishing to commercialize expendable launch vehicles. H.R. 3942 establishes a central point of contact for companies, and relieves them of the burden of getting permits and permissions from 6 to 12 different Federal agencies or bodies. What H.R. 3942 does is to create a climate which is conducive to private sector entry into the commercial space launch market. H.R. 3942 allows the private sector to pick up the commercial space launch ball and run with it.

It is not the intention of H.R. 3942 to grant to the private sector special subsidies to encourage them, artificially, to develop an industry whose market can be sustained only by the Federal Government. If there is, as some say, no market for commercial space launch vehicles, then there will, after a period of years, be no commercial space launch business. The economics of the marketplace are that simple.

While I remain staunchly opposed to outright subsidy for the commercial space launch industry, I remain firmly committed to clearing away the obstacles to development of that industry. This is a balance which I believe that H.R. 3942 achieves.

While, as a matter of policy at the Federal level, we must encourage the development of commercial space launch activities, we must not allow ourselves to be talked into funding the development of an Amtrak for space.

In short, I lend my full support to the real and commercial growth of this new industry; I urge my col-

leagues to do the same by lending their full support to this bill.

Mr. VOLKMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ANNUNZIO).

REMOVAL OF NAME OF MEMBER AS COSPONSOR
OF H.R. 3282

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 3282.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VOLKMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. NELSON).

Mr. NELSON of Florida. I thank the chairman for yielding time to me.

Mr. Speaker, I rise in support of the Commercial Space Launch Act.

An important part of the future of our country depends on our utilization of space. Over the past two decades we have seen the enormous strides made in NASA's efforts to reach for the stars and beyond. Presently, our most sophisticated techniques are being implemented in tomorrow's space ventures. NASA has prided itself in leading the world in space technology.

Now in 1984, this technology has uses which surpass the research and development needs of NASA. It is time private businesses were allowed to freely use this technology with the least amount of Federal regulation possible.

Several years ago, the Congress commercialized communication satellites and today it has grown into a multi-billion-dollar industry. Without the freedom from Government red tape, I seriously doubt we would be seeing the advances in satellite communications we have today.

Now it is time to allow the private sector the opportunity to develop a thriving and profitable business in the commercialization of expendable launch vehicles.

A report out of this month's Nation's Business said:

Despite all obstacles, American businesses are beginning to line up like the westward-bound wagonmasters of an earlier epoch of discovery and development. By 1987, analysts say, more than \$1 billion will be committed to private sector pursuits in space—just seed money in the nation's newest and most dramatic sunrise industry.

Mr. Speaker, commercializing ELV's is the necessary first step in the development of this new frontier for private business. Congress must allow it to grow freely and unrestricted if it is to flourish. This legislation, H.R. 3942, will put the congressional stamp of approval in such an endeavor.

□ 1230

Mr. CHANDLER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. Mr. Speaker, I rise in support of H.R. 3942 of which I am really indeed proud to be a cosponsor. My congratulations to the gentleman from Hawaii (Mr. AKAKA), the gentleman from Florida (Mr. FUQUA), the gentleman from Missouri (Mr. VOLKMER) and the gentleman from Washington (Mr. CHANDLER) for a job well done.

This bill, the Commercial Space Launch Act, is indeed an historic milestone in the development of a new frontier in space. The simple minimal and appropriate licensing and regulatory arrangement it establishes will encourage the growth of a strong American private enterprise space launch and services industry, while assuring that our national security, our foreign policy, and public safety interests are protected.

Private sector involvement in America's space enterprise will shape our future on the new frontier. Already at least a half dozen companies have announced plans to offer commercial space launch services. I expect that many, many more companies will soon enter the marketplace and follow this example.

Now is the time to set up an efficient and reasonable procedure for authorizing commercial space launches. This will encourage investors, it will encourage entrepreneurs to enter this new field and insure that the United States will indeed remain first in space.

Space is a growth industry with enormous potential for spawning new businesses, new industries, and creating thousands of new jobs for our countrymen. H.R. 3942's one-stop shopping will eliminate regulatory potholes in the road to space and the economic renaissance it promises for America and the world will clearly be promoted by passage of this legislation.

I urge all my colleagues to give it their most wholehearted support.

● Mr. LOWERY of California. Mr. Speaker, as an original sponsor of H.R. 3942, the Commercial Space Launch Act, and a member of the Subcommittee on Space Science and Applications, it is a special pleasure for me to rise before the House of Representatives in strong support of this measure.

H.R. 3942 represents a significant milestone in our Nation's space program. It is noteworthy in that the question being addressed today is no longer whether space has commercial promise, but how best to proceed to maximize that promise for national economic well-being.

Rapidly expanding launch demands by commercial satellite users have caused the Congress and executive branch to reevaluate expendable launch vehicle (ELV) policy. The projected capability of our space shuttle cannot meet these demands. More importantly, the French company,

Arianespace, has emerged as a formidable competitor with progressive financing strategies, substantial financial backing, and aggressive marketing. An economic compromise is essential to enable U.S. commercial ELV's to complement the shuttle and keep America first in space. H.R. 3942 represents an important step in such a compromise and deserves the support of this body.

The existence of a viable commercial ELV industry will add to the general economic vitality of the United States. This new industry will maintain a high technology industrial base unparalleled in the free world and provide jobs for thousands of American workers.

Furthermore, commercial ELV operations are expected to spawn numerous spinoffs and supporting activities, strengthening the U.S. position and providing substantial long-term economic benefits.

The French should not be allowed to continue unchallenged. American firms must be allowed to compete in the launch vehicle market and H.R. 3942 provides the framework by which they may pursue such business potential.

A favorable space policy, as embodied in the Commercial Space Launch Act, will open the \$10 billion commercial launch market to American companies and provide a ready, inexpensive shuttle backup maintained by private enterprise. I urge all my colleagues to support H.R. 3942. ●

Mr. CHANDLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VOLKMER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The Speaker pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. VOLKMER) that the House suspend the rules and pass the bill, H.R. 3942, as amended.

The question was taken; and (two-thirds have voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to facilitate commercial space launches, and for other purposes."

A motion to reconsider was laid on the table.

MARINE MAMMAL PROTECTION
ACT AUTHORIZATION FOR
FISCAL YEARS 1985-88

Mr. BREAU. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4997) to authorize appropriations to carry out the Marine Mammal Protection Act of 1972 for fiscal years 1985, 1986, and 1987, as amended.

The Clerk read as follows:

H.R. 4997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 101(a)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(2)) is amended to read as follows: "For purposes of applying the preceding sentence, the Secretary—

"(A) shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States; and

"(B) in the case of yellowfin tuna harvested with purse seines in the eastern tropical Pacific Ocean, and products therefrom, to be exported to the United States, shall require that the government of the exporting nation provide documentary evidence that—

"(i) the government of the harvesting nation has adopted a regulatory program governing the incidental taking of marine mammals in the course of such harvesting that is comparable to that of the United States; and

"(ii) the average rate of that incidental taking by the vessels of the harvesting nation is comparable to the average rate of incidental taking of marine mammals by United States vessels in the course of such harvesting."

Sec. 2. Section 104(h) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(h)) is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by adding at the end thereof the following paragraphs:

"(2)(A) Subject to subparagraph (B), the general permit issued under paragraph (1) on December 1, 1980 to the American Tuna-boat Association is extended to authorize and govern the taking of marine mammals incidental to commercial purse seine fishing for yellowfin tuna during each year after December 31, 1984.

"(B) The extension granted under subparagraph (A) is subject to the following conditions:

"(i) The extension shall cease to have force and effect at the time the general permit is surrendered or terminated.

"(ii) The permittee and certificate holders shall use the best marine mammal safety techniques and equipment that are economically and technologically practicable.

"(iii) During the period of the extension, the terms and conditions of the general permit that are in effect on the date of the enactment of this paragraph shall apply, except that—

"(I) the Secretary may make such adjustments as may be appropriate to those terms and conditions that pertain to fishing gear and fishing practice requirements and to permit administration;

"(II) any such term and condition may be amended or terminated if the amendment or termination is based on the best scientific information available, including that obtained under the monitoring program required under paragraph (3)(A); and

"(III) during each year of the extension, not to exceed 250 coastal spotted dolphin (*Stenella attenuata*) and not to exceed 2,750 eastern spinner dolphin (*Stenella longirostris*) may be incidentally taken under the general permit, and no accidental taking of either species is authorized at any time when incidental taking of that species is permitted.

"(C) The quota on the incidental taking of coastal spotted dolphin and eastern spinner dolphin under paragraph (2)(B)(iii)(III) shall be treated—

"(i) as within, and not in addition to, the overall annual quota under the general permit on the incidental taking of marine mammals; and

"(ii) for purposes of paragraph (2)(B)(iii)(II), as a term of the general permit in effect on the date of the enactment of this paragraph.

"(3)(A) The Secretary shall, commencing on January 1, 1985, undertake a scientific research program to monitor for at least five consecutive years, and periodically as necessary thereafter, the indices of abundance and trends of marine mammal population stocks which are incidentally taken in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean.

"(B) If the Secretary determines, on the basis of the best scientific information available (including that obtained under the monitoring program), that the incidental taking of marine mammals permitted under the general permit referred to in paragraph (2) is having a significant adverse effect on a marine mammal population stock, the Secretary shall take such action as is necessary, after notice and an opportunity for an agency hearing on the record, to modify the applicable incidental take quotas or requirements for gear and fishing practices (or both such quotas and requirements) for such fishing so as to ensure that the marine mammal population stock is not significantly adversely affected by the incidental taking.

"(C) For each year after 1984, the Secretary shall include in his annual report to the public and the Congress under section 103(f) a discussion of the proposed activities to be conducted each year as part of the monitoring program required by subparagraph (A).

"(D) There are authorized to be appropriated to the Department of Commerce for purposes of carrying out the monitoring program required under this paragraph not to exceed \$4,000,000 for the period beginning October 1, 1984, and ending September 30, 1988."

Sec. 3. (a) Section 201(b)(1) of the Marine Mammal Act of 1972 (16 U.S.C. 1401(b)(1)) is amended by striking the second sentence thereof and inserting in lieu thereof the following: "The President shall make his selection from a list of individuals knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals. Such list shall be submitted to him by the Chairman of the Council on Environmental Quality and unanimously agreed to by that Chairman, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation and the Chairman of the National Academy of Sciences."

(b) The first sentence of section 206 of such Act of 1972 (16 U.S.C. 1406) is amended by adding immediately before the period at the end thereof the following: "except that no fewer than 11 employees must be employed under paragraph (1) at any time."

Sec. 4. Section 7 of the Act entitled "An Act to improve the operation of the Marine Mammal Protection Act of 1972, and for other purposes", approved October 9, 1981 (16 U.S.C. 1384 and 1407) is amended—

(1) by amending subsection (a)—

(A) by inserting "(other than section 104(h)(3))" immediately after "title I", and

(B) by striking out "for fiscal year 1984." and inserting in lieu thereof "for each of fiscal years 1984, 1985, 1986, 1987, and 1988.";

(2) by striking out "and \$2,000,000 for fiscal year 1984." and subsection (b) and inserting in lieu thereof "\$2,000,000 for fiscal year 1984, \$2,500,000 for fiscal year 1985, and \$3,000,000 for each of fiscal years 1986, 1987, and 1988." and

(3) by striking out "for fiscal year 1984." in subsection (c) and inserting in lieu thereof "for each of fiscal years 1984, 1985, 1986, 1987, and 1988."

Sec. 5. Section 2(c) of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended—

(1) by striking out "July 1, 1984" in each of paragraphs (1) and (2) and inserting in lieu thereof "December 31, 1985";

(2) by striking out "May 3, 1983" in paragraph (1) and inserting in lieu thereof "May 8, 1984";

(3) by striking out "May 3, 1983" in paragraph (2) and inserting in lieu thereof "May 7, 1984"; and

(4) by amending the last sentence thereof by striking out "Each such governing international fishery agreement" and inserting in lieu thereof "The governing international fishery agreements referred to in paragraphs (1) and (2) shall enter into force and effect with respect to the United States on July 1, 1984; and the governing international fishery agreement referred to in paragraph (3)".

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The Speaker pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. BREAUX) will be recognized for 20 minutes and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4997 would authorize appropriations for the Marine Mammal Protection Act of 1972 (MMPA) and extend the existing governing international fishery agreements with Poland and the U.S.S.R.

The MMPA committed the United States to a long-term management and research program to protect marine mammals. Although there are a few exceptions, the act placed a moratorium on taking marine mammals or importing marine mammals or their parts and products into the United States. Under the act, the National Marine Fisheries Service is responsible for whales, porpoises, seals and sea lions. The Fish and Wildlife Service is responsible for manatees, polar bears, sea otters, and walrus.

As some of the Members recall, the Marine Mammal Protection Act has been the source of some major controversies over the years. Fortunately,

the level of controversy has subsided somewhat in recent years, due in large part to the success of the tuna industry in reducing the incidental take of porpoises in their fisheries. When the act was enacted in 1972, more than 300,000 porpoises a year were being killed in the purse seine fishery; in 1983, less than 10,000 animals were taken.

In 1981, when we last reauthorized the act, we made a number of changes to make the act easier to implement and more effective. A major part of the 1981 legislation was a change in the law to facilitate return of management to the States. We also authorized the incidental taking of small numbers of animals in fishing and other industry operations where it would not be detrimental to marine mammal populations. These and other amendments were unanimously approved by both Houses and signed into law. This year, we have again tried to take a rational look at the Marine Mammal Protection Act. The one major concern that has been raised concerns the incidental take of porpoise in the tuna purse seine fishery.

The Marine Mammal Protection Act (MMPA) allows for the incidental taking of marine mammals in the course of purse seine fishing for tuna in the tropical Pacific if the marine mammal stocks are at optimum sustainable population (OSP) levels. As I stated earlier, that incidental take has been greatly reduced. There is currently a permit in force which allows for the incidental taking of up to 20,500 animals per year, although the current level of take is less than 10,000 animals per year. There is consensus among the various environmental groups and the scientists that this level of take is not having a detrimental effect on porpoise stocks. Unfortunately, the process for issuing permits for incidental take is still as lengthy and complicated as when the level of take was many times greater.

The problem has been that the National Marine Fisheries Service (NMFS) has adopted a working definition of OSP for porpoises that is beyond the capability of the available data. The act defines OSP as the number of animals which results in the maximum productivity of the stock, keeping in mind the carrying capacity of the environment and the health of the ecosystem. NMFS has interpreted this definition of OSP to mean a range of population levels between maximum net productivity at the lower limit and carrying capacity at the upper limit. For regulatory purposes, NMFS considers carrying capacity to be synonymous with the historic marine mammal population level prior to development of the purse seine fishery for tuna, and defines the lower limit of the OSP range as 60 percent of this historic population level. If

NMFS could solidly determine the current and historic population levels, this might not be a problem. Unfortunately, they can determine neither with sufficient precision to be of any use in management.

Responsible and concerned members of the environmental community, the tuna industry, and the Federal Government all recognize that an alternative approach is necessary, and this legislation reflects a consensus on this issue. It would simply freeze the current permit and provide an additional small quota for incidental take of two species for which no quota is currently provided. If at any time the Secretary of Commerce believes that a stock of porpoises is being significantly adversely affected, he could adjust the quota on that stock or institute other protective measures. I would stress that the goal of the act to reduce incidental take to as low a point as is economically and technologically practicable would still be in effect. In addition, during the period that the permit is in effect, the same permit requirements relating to fishing techniques and equipment would also be in effect. These requirements could be amended to facilitate compliance or permit administration. We anticipate that any such changes would be of a minor nature and would not require a hearing before an administrative law judge.

The legislation would also direct the Secretary to undertake a scientific research program to monitor the population trends of the porpoise stocks that are taken in the tuna fisheries. This trend data would be used in determining the health of the stocks in question, rather than depending upon suspect estimates of historic population size. Trend data would reveal whether or not the stocks are increasing or decreasing, and would provide useful information on porpoise population dynamics and productivity of the stocks. The study provision contains a special 4-year, \$4 million authorization.

H.R. 4997 also contains an amendment to the section of the MMPA that bans the importation of fish products from nations where the commercial fishing technology in use results in an incidental take in excess of U.S. standards. We are concerned that the Departments of State, Commerce, and Treasury are not enforcing this provision strictly enough. We cannot impose severe restrictions on our own fleets and then allow foreign nations that do not even regulate the take of marine mammals to flood our markets with their products. The bill, as amended, would require the administration, in making the determination as to whether to allow the importation of yellowfin tuna, to look specifically at the regulatory program of the exporting nation and the incidental kill rate of their flag vessels to determine if their program and kill rates were

comparable to those in the United States. If they were not, importation of their products would be prohibited.

The legislation also contains two amendments to the MMPA relating to the Marine Mammal Commission. Established under title II of the act, the Marine Mammal Commission is an independent agency of the executive branch. It is charged with the responsibility for developing, reviewing, and making recommendations on actions and policies of all Federal agencies with respect to marine mammal protection and conservation. The Commission members are appointed by the President from a list of individuals knowledgeable in the fields of marine ecology and resource management submitted to him by the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the Chairman of the National Academy of Sciences. In spite of the language of the statute that implies that the President is to receive a single list of recommendations, the White House has requested lists from each of the above-named officials. This has diluted the quality of the review of the prospective Commission members. H.R. 4997 would confirm the original intent of the legislation that Commission members are to be chosen from a single list, unambiguously agreed to by the officials from the various recommending agencies.

We are also concerned that the Commission needs to maintain a certain level of personnel to remain effective. Although funds are appropriated, personnel ceilings are often restricted. The legislation contains language that requires the Commission to maintain a staff of 11 persons.

H.R. 4997 would adjust the authorizations of appropriations to extend the Marine Mammal Protection Act for 4 years through fiscal year 1988. The Department of the Interior would be authorized \$2.5 million for fiscal years 1985 and \$3 million for fiscal years 1986, 1987, and 1988. The Department of Commerce would be authorized \$8.8 million per year for the same period in addition to the special authorization relating to porpoise research. The Marine Mammal Commission would receive an authorization of \$1.1 million over the 4-year period.

Mr. Speaker, as I earlier noted, section 5 of the bill contains congressional approval for the recently negotiated 18-month extension of the existing Governing International Fishery Agreements (GIFA's) between the United States and both Poland and the Soviet Union, respectively. This action is necessary because the existing agreement is due to expire on July 1 of this year and these extensions were not submitted to the Congress by the White House in time for them to

be approved without congressional action under the mechanism set forth in the Fishery Conservation and Management Act.

I know that some Members may be wondering why we are taking this action, which would appear to present these two nations with favorable considerations for fishing privileges in U.S. waters, at a time when overall relationships between our countries are not at their best. I think it is important for the Members to note that through the approval of these extensions, the Congress is not overturning the policy of both the Carter and Reagan administrations in denying direct access to U.S. fishery resources by the Soviet Union, access which was denied as a result of the Soviet invasion of Afghanistan. Our action today also does not affect the decision by the Reagan administration to reinstitute a direct allocation for Poland, provided that nation comply with the so-called "fish and chips" policy of U.S. law.

I think it is extremely important for the Members to note that significant benefits accrue to U.S. citizens as a result of these agreements and the ability of our Government to apply fish and chips to these nations. For example, by maintaining the existing fishery relations with the Soviet Union, U.S. fishermen will be able to continue joint venture operations which, in 1983, employed 42 U.S. vessels in the harvesting of over 167,000 metric tons of surplus fishery resources worth almost \$25 million to U.S. citizens. Similarly, negotiations between the United States and Poland should result in the same type of benefits for U.S. fishermen who currently face severely limited markets for certain fishery resources.

In conclusion, Mr. Speaker, I believe that this legislation represents sound policy for both the continued protection of marine mammals and the betterment of economic conditions for a substantial number of U.S. fishermen.

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Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to express my support of H.R. 4997, a bill which reauthorizes and makes certain amendments to the Marine Mammal Protection Act. I would also urge adoption of a committee amendment which would amend the act with respect to employees of, and appointments to, the Marine Mammal Commission, and which would extend the United States-Soviet and United States-Polish Governing International Fishery Agreements until December 31, 1985. These agreements are due to expire on July 1, 1984.

I am particularly pleased that, due in large part to the efforts of the subcommittee chairman, Mr. BREAU, the

concerns of both the environmental community and the domestic fishing industry were accommodated in the Marine Mammal Protection Act amendments. Given my interest in the full domestic utilization of fishery resources off the coasts of the United States, it is my hope that the United States-Polish and United States-Soviet GIFA's, which would be extended under this bill, will lead to direct benefits for domestic fishermen in the U.S. zone. I would like to point out that the Fishery Conservation and Management Act provides that foreign fishing shall not be authorized in the U.S. zone unless the foreign nation extends substantially the same fishing privileges to fishing vessels of the United States as the United States extends to foreign fishing vessels. Given the existence of fishery resources off the coasts of the Soviet Union in which U.S. fishing industry has expressed interest, it is my hope that the Department of State will vigorously pursue a bilateral fisheries access agreement with the Soviet Union.

Mr. Speaker, I urge my colleagues to join with me in supporting H.R. 4997. ● Mr. JONES of North Carolina. Mr. Speaker, H.R. 4997 extends the authorization of appropriations for the Departments of Commerce and the Interior and the Marine Mammal Commission to enable these agencies to carry out their responsibilities under the Marine Mammal Protection Act.

H.R. 4997, as amended, authorizes \$8.8 million annually for the Department of Commerce through fiscal year 1988; \$2.5 million for fiscal year 1985; and \$3 million annually for 1986, 1987, and 1988 for the Department of the Interior; and \$1.1 million annually through fiscal year 1988 for the Marine Mammal Commission. It also authorizes a one-time \$4 million appropriation to the Department of Commerce and directs the Secretary to carry out a 5-year scientific research program to monitor population and abundance trends for porpoise stocks in the eastern tropical Pacific Ocean. In addition, the bill strengthens the existing provisions in the act to insure that foreign vessels harvesting tuna in that ocean for export to this country are subject to regulatory controls comparable to those imposed on U.S. tuna fishermen to protect porpoise stocks.

H.R. 4997 freezes the existing general permit of the American Tunaboat Association for the incidental taking of porpoise in connection with the commercial purse seine tuna fishery in the eastern tropical Pacific Ocean, thereby relieving the tuna industry and the Department of Commerce of some lengthy and costly administrative procedures without in any way lessening efforts to conserve porpoise stocks. Finally, it sets small quotas for

two species of dolphin taken incidental to that fishery.

This bill, as amended, also changes the language of the existing act to clarify the procedure for selecting the members of the Marine Mammal Commission and to insure ample staff for the Commission.

Finally, H.R. 4997 amends the Fishery Conservation Zone Transition Act to extend for 18 months the governing international fishery agreements between the United States and Poland and between the United States and the U.S.S.R. This will permit certain species of fish, which normally would not be harvested, to be caught by American fishermen and sold "over the side" to foreign processors who have a market for them. Such joint ventures are very important to the economy of our fishermen on the west coast.

The changes to the act were worked out in consultation with major conservation groups and the tuna industry and the Merchant Marine and Fisheries Committee reported this measure, as amended, by a unanimous voice vote.

Since the passage of the Marine Mammal Protection Act much progress has been made in the conservation of porpoise in particular and marine mammals in general. This legislation will allow us to continue such progress. Therefore, I urge my colleagues to pass H.R. 4997. ●

Mr. BREAU. Mr. Speaker, I have no further requests for time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BREAU. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BREAU) that the House suspend the rules and pass the bill, H.R. 4997, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize appropriations to carry out the Marine Mammal Protection Act of 1972, for fiscal years 1985 through 1988, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BREAU. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1097, SATELLITE PROGRAM AUTHORIZATION ACT

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1097) to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, disagree to the Senate amendments to the House amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. HUBBARD). Is there objection to the request of the gentleman from Florida?

Mr. HANSEN of Utah. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman if this has been cleared by the minority side.

Mr. FUQUA. If the gentleman will yield, Mr. Speaker, yes, it has been cleared.

Mr. HANSEN of Utah. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none, and, without objection, appoints the following conferees: Messrs. FUQUA, SCHEUER, VALENTINE, HARKIN, ANDREWS of Texas, JONES of North Carolina, D'AMOURS, WINN, and McGRATH, Mrs. SCHNEIDER, and Mr. CARNEY.

There was no objection.

HUMAN SERVICES AMENDMENTS OF 1984

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5145) to authorize appropriations for Head Start, Follow Through, and community services programs, to establish a program to provide child care information and referral services, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Human Services Amendments of 1984".

TITLE I—PROJECT HEAD START

ADMINISTRATION

SEC. 101. Section 636 of the Head Start Act (42 U.S.C. 9831) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary shall administer Project Head Start through the Administration for Children, Youth, and Families within the Department of Health and Human Services."

TECHNICAL AMENDMENTS

SEC. 102. Section 637(2) of the Head Start Act (42 U.S.C. 9832(2)) is amended by inserting "the Commonwealth of" before "the Northern Mariana Islands".

AUTHORIZATION OF APPROPRIATIONS

SEC. 103. Section 639 of the Head Start Act (42 U.S.C. 9834) is amended—

(1) by striking out "\$950,000,000" and all that follows through "1983, and", and

(2) by inserting before the period the following: "\$1,111,000,000 for fiscal year 1985, \$1,167,000,000 for fiscal year 1986, \$1,225,000,000 for fiscal year 1987, \$1,286,000,000 for fiscal year 1988, and \$1,350,000,000 for fiscal year 1989".

ALLOTMENT OF FUNDS

SEC. 104. Section 640(a) of the Head Start Act (42 U.S.C. 9834(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (C) by inserting ", as described in section 648, except that there shall be made available for this purpose no less funds than were obligated for this purpose for fiscal year 1982" before the semicolon,

(B) in subparagraph (D) by striking out the period and inserting in lieu thereof a semicolon; and

(C) by adding at the end of such paragraph the following:

"except that no funds reserved under this paragraph may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment", and

(2) in paragraph (4) by inserting "the Commonwealth of" before "the Northern Mariana Islands".

DESIGNATION OF HEAD START AGENCIES

SEC. 105. (a) Section 641(a) of the Head Start Act (42 U.S.C. 9836(a)) is amended—

(1) by striking out "which" and inserting in lieu thereof "in a community if such agency", and

(2) in paragraph (1) by striking out "a community" and inserting in lieu thereof "such community".

(b) Section 641(c) of the Head Start Act (42 U.S.C. 9836(c)) is amended—

(1) by striking out "give priority in the designation of Head Start agencies to" and inserting in lieu thereof "designate as a Head Start agency",

(2) by striking out "nonprofit agency which" and inserting in lieu thereof "nonprofit agency in a community if such agency",

(3) in paragraph (1) by striking out "giving such priority" and inserting in lieu thereof "making such designation",

(4) in paragraph (2) by striking out "give priority in the designation of Head Start agencies to" and inserting in lieu thereof "designate as the Head Start agency", and

(5) by striking out the last sentence.

(c) Section 641 of the Head Start Act (42 U.S.C. 9836) is amended—

(1) by redesignating subsection (d) as subsection (f), and

(2) by inserting after subsection (c) the following new subsections:

"(d) If there is no Head Start agency as described in subsection (c)(1), no successor agency as described in subsection (c)(2), and no existing Head Start agency serving a community, then the Secretary may designate a Head Start agency from among qualified applicants in such community. Any such designation shall be governed by the program and fiscal requirements, criteria,

and standards applicable on September 1, 1983, to then existing Head Start agencies.

"(e) Except as provided in subsection (d), this section shall be carried out in fiscal years 1985 through 1989 in accordance with the rules issued under this section by the Secretary as in effect on September 1, 1983."

PARTICIPATION IN HEAD START PROGRAMS

SEC. 106. (a) Section 645(a)(1) of the Head Start Act (42 U.S.C. 9840(a)(1)) is amended by adding at the end thereof the following: "During the period beginning on the date of the enactment of the Human Services Amendments of 1984 and ending on October 1, 1986, and unless specifically authorized in any statute of the United States enacted after such date of enactment, the Secretary may not make any change in the method, as in effect on April 25, 1984, of calculating income used to prescribe eligibility for the participation of persons in the Head Start programs assisted under this subchapter if such change would result in any reduction in, or exclusion from, participation of persons in any of such programs."

(b) Section 645 of the Head Start Act (42 U.S.C. 9840) is amended by adding at the end thereof the following new subsection:

"(c) Each Head Start program operated in a community may provide services to any eligible child for any period in which such child is not less than 3 years of age and has not attained the age of compulsory school attendance in the State in which such program operates."

TECHNICAL ASSISTANCE AND TRAINING

SEC. 107. Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) by striking out "may" and inserting in lieu thereof "shall", and

(2) by inserting the following before the period at the end thereof: "including a national child development associate training and assessment program providing the necessary credentialing for such personnel, and training (including resource access projects) which improves the ability of such personnel to provide Head Start services to handicapped children".

RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

SEC. 108. Section 649 of the Head Start Act (42 U.S.C. 9844) is amended by adding at the end thereof the following new subsection:

"(c) No funds available to carry out this section may be combined with funds available to carry out any other provision of law if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment to a recipient of such funds."

EVALUATION

SEC. 109. The second sentence of section 651(b) of the Head Start Act (42 U.S.C. 9846(b)) is amended to read as follows: "Any revisions in such standards shall not result in either the elimination of, or the reduction in the scope of, types of health, education, parent involvement, social, or other services required by the performance standards issued by the Secretary as in effect on November 2, 1978."

TITLE II—FOLLOW THROUGH PROGRAMS

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. Section 663(a) of the Follow Through Act (42 U.S.C. 9862(a)) is amended—

(1) in paragraph (1)—
(A) by striking out "\$44,300,000" and all that follow through "1984", and

(B) by inserting before the period the following: "\$22,150,000 for fiscal year 1984, \$23,000,000 for fiscal year 1985, \$24,150,000 for fiscal year 1986, \$25,350,000 for fiscal year 1987, \$25,650,000 for fiscal year 1988, and \$27,000,000 for fiscal year 1989", and

(2) in paragraph (2) by striking out "for fiscal years 1982 and 1983".

RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

SEC. 202. Section 664(a) of the Follow Through Act (42 U.S.C. 9863(a)) is amended—

(1) by striking out "may" and inserting in lieu thereof "shall", and

(2) by striking out "special problems" and all that follows through "subchapter", and inserting in lieu thereof the following: "the special problems of primarily low-income children previously enrolled in Head Start or similar programs in continuing to develop to their full potential in kindergarten and the primary grades".

EVALUATION

SEC. 203. (a) Subsection (a) of section 666 of the Follow Through Act (42 U.S.C. 9865(a)) is amended to read as follows:

"(a) The Secretary shall, directly or through grants or contracts, provide for a review and analysis of all previous evaluations and reports made in connection with all Follow Through programs and projects authorized by any Act of Congress in effect after August 20, 1964, and provide a comprehensive evaluative report that measures the impact of such programs and projects with regard to—

"(1) the effectiveness of such programs and projects in achieving their stated goals;

"(2) the impact of such programs and projects on related programs;

"(3) the impact of such programs and projects on efforts to link preschool and elementary school programs in order to maintain and enhance the continuity of a child's development;

"(4) the structure and mechanism of such programs and projects for delivery of services; and

"(5) the effectiveness of such programs and projects in narrowing the gap in successful educational performance between children from low-income families and children from non-low-income families.

Such review may be conducted only by persons who are not directly involved in the development, design, administration, or implementation of such programs and projects. Such report shall include comparisons with appropriate control groups composed of persons who have not participated in such programs and projects, including persons from non-low-income families. Such report shall be submitted to the President and the Congress not later than January 30, 1988."

(b) Section 666(c) of the Follow Through Act (42 U.S.C. 9865(b)) is amended by striking out "evaluations" and inserting in lieu thereof "any evaluation".

TECHNICAL AMENDMENT

SEC. 204. Section 670 of the Follow Through Act (42 U.S.C. 9868) is repealed.

CHILD CARE INFORMATION AND REFERRAL

SEC. 205. The Follow Through Act (42 U.S.C. 9861-9868) is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Child Care Information and Referral

"SHORT TITLE

"SEC. 670. This subchapter may be cited as the 'Child Care Information and Referral Services Act'.

"STATEMENT OF PURPOSE

"SEC. 670A. It is the purpose of this subchapter—

"(1) to make efficient use of available child care resources by creating models for centralized systems for matching families' needs for child care services with appropriate child care providers;

"(2) to document at the local level the availability of and demand for child care providers;

"(3) to facilitate an educated choice for parents, of appropriate child care services according to parental needs and preferences; and

"(4) to improve the quality and increase the number of child care providers by making information available on local needs and preferences for child care services.

"FINANCIAL ASSISTANCE FOR CHILD CARE INFORMATION AND REFERRAL SERVICES

"SEC. 670B. (a) The Secretary of Health and Human Services (hereinafter in this subchapter referred to as the 'Secretary'), through the Administration for Children, Youth, and Families, shall make grants to assist public or private nonprofit organizations to establish and operate community-based child care information and referral centers.

"(b)(1) Any community-based public or private nonprofit organization which desires to receive a grant under subsection (a) shall submit an application to the Secretary in such manner as the Secretary may require. Such application shall—

"(A) describe the manner in which the child care information and referral center involved will be established or operated, as the case may be;

"(B) describe the services to be provided by such center;

"(C) contain an estimate of the cost of establishing or operating such center, as the case may be; and

"(D) include such other information as the Secretary determines to be necessary to carry out the purposes of this subchapter.

"(2) The Secretary, in evaluating applications for grants under subsection (a), shall consider the demonstrated ability of applicants to provide child care information and referral services. Priority shall be given to applications for grants of less than \$75,000.

"(3) Recipients of grants under subsection (a) shall be selected through a competitive process to be established by the Secretary. As part of such process, the Secretary shall announce publicly the availability of funds for such grants, the general criteria for the selection of grant recipients, and a description of the processes applicable to submitting and reviewing applications for such grants.

"(c) A grant may be made under subsection (a) to an applicant only if such applicant provides adequate assurances that—

"(A) such grant will be used solely for the establishment or operation, or both, of a child care information and referral center;

"(B) any such center for which such grant is made shall provide information to interested persons only with respect to providers of child care services that meet applicable State and local licensing and registration requirements; and

"(C) during the period for which one or more of such grants are made, such center

shall obtain the following percentages of its projected budget through non-Federal sources of funding:

"(i) at least 25 percent in the first and second years;

"(ii) at least 50 percent in the third year; and

"(iii) at least 65 percent in the fourth and fifth years.

"(d) If one or more grants are made under subsection (a) to operate a child care information and referral center for a period of 5 years in the aggregate, then no applicant shall be eligible to receive a grant to be made under such subsection to operate such center after such period.

"REPORTS

"SEC. 670C. (a) Not later than December 31 of each year, each recipient of a grant made under section 670B(a) shall submit to the Secretary a comprehensive report on the activities, during the most recent concluded fiscal year, of the center for which such grant was made. Such report shall contain such information as the Secretary may require by rule.

"(b) Not later than March 1 of each year, the Secretary shall submit to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate a comprehensive report on the activities carried out under this subchapter during the most recently concluded fiscal year.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 670D. There is authorized to be appropriated to carry out this subchapter \$8,000,000 for fiscal year 1985, \$8,400,000 for fiscal year 1986, \$8,825,000 for fiscal year 1987, \$9,275,000 for fiscal year 1988, and \$9,725,000 for fiscal year 1989.

"APPLICABILITY OF PROVISIONS OF SUBCHAPTER B

"SEC. 670E. The provisions of sections 653, 654, 655, 656, and 657 shall apply to the administration of this subchapter."

TITLE III—COMMUNITY SERVICES PROGRAMS

COMMUNITY SERVICES GRANTS AUTHORIZED

SEC. 301. Section 672(b) of the Community Services Block Grant Act (42 U.S.C. 9901(b)) is amended by striking out "1982" and all that follows through "provisions of", and inserting in lieu thereof "1983, \$409,000,000 for fiscal year 1984, \$429,500,000 for fiscal year 1985, \$451,000,000 for fiscal year 1986, \$473,500,000 for fiscal year 1987, \$497,000,000 for fiscal year 1988, and \$522,000,000 for fiscal year 1989 to carry out".

APPLICATIONS AND REQUIREMENTS

SEC. 302. (a) Section 675(c) of the Community Services Block Grant Act (42 U.S.C. 9904(c)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i)—

(i) by striking out "for fiscal year 1982 only,"

(ii) by striking out "90 percent" and inserting in lieu thereof "85 percent", and

(iii) by striking out "clause (1)" and inserting in lieu thereof "paragraph (1)", and

(B) in clause (ii)—

(i) by striking out "for fiscal year 1983 and for each subsequent fiscal year, not less than 90 per centum of" and inserting in lieu thereof "that portion of the",

(ii) by inserting "which remains after carrying out clause (i)" after "section 674",

(iii) by striking out "clause (1)" and inserting in lieu thereof "paragraph (1)", and
(iv) by striking out "clause (3)" and inserting in lieu thereof "paragraph (3)".

(2) in paragraph (5)—

(A) by striking out "or the energy" and inserting in lieu thereof "the energy", and
(B) by inserting ", or the Temporary Emergency Food Assistance Act of 1983" before the semicolon, and

(3) by striking out the last sentence.

(b) Section 675 of the Community Services Block Grant Act (42 U.S.C. 9904) is amended by adding at the end thereof the following new subsections:

"(i) Whenever the State determines that a political subdivision of the State or a combination of political subdivisions within the State are not included in the designated geographic service area of an eligible entity, the State may use funds described in subsection (c)(2)(A)(ii) through an existing eligible entity to provide services under this subtitle in such subdivision or combination of such subdivisions. If it is not feasible to use an eligible entity for such purpose, then such State may establish a community action agency of the type specified, and in the manner provided, in section 210 of the Economic Opportunity Act of 1964, as in effect on August 12, 1981, to provide such services in such subdivision or combination of subdivisions.

"(j) The Secretary may waive for any State, upon application, the limitations of subsection (c)(2)(A)(ii) relating to eligibility to receive grants, if—

"(1) such State obtained a waiver of the limitations of section 138 of the Act of October 2, 1982 (Public Law 97-276; 96 Stat. 1198), relating to eligibility to receive funds appropriated for fiscal year 1983; and

"(2) such State submits, before the fiscal year for which a waiver is requested under this subsection, an application specifying the uses to be made by political subdivisions of such State of assistance received under this subchapter.

"(k)(1) For purposes of determining compliance with this subchapter the Secretary shall conduct, in several States in each fiscal year, evaluations of the uses made of funds received under this subchapter by such States.

"(2) The results of such evaluations shall be submitted annually to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate."

ADMINISTRATION

SEC. 303. (a) Section 676(a) of the Community Services Block Grant Act (42 U.S.C. 9905(a)) is amended by inserting "who shall be appointed by the President by and with the advice and consent of the Senate" before the period at the end thereof.

(b) Section 676(b) of the Community Services Block Grant Act (42 U.S.C. 9905(b)) is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Secretary".

WITHHOLDING

SEC. 304. (a) Section 679(b) of the Community Services Block Grant Act (42 U.S.C. 9908(b)) is amended—

(1) in paragraph (2) by striking out "he" and inserting in lieu thereof "the Secretary", and

(2) in paragraph (3) by striking out "may" and inserting in lieu thereof "shall".

(b) Section 679 of the Community Services Block Grant Act (42 U.S.C. 9908) is amended by striking out subsection (d).

DISCRETIONARY AUTHORITY OF SECRETARY

SEC. 305. Section 681(a) of the Community Services Block Grant Act (42 U.S.C. 9910(a)) is amended—

(1) by striking out "is authorized" and inserting in lieu thereof "shall",

(2) in subsection (2) subparagraph (E) by striking out "and" at the end thereof,

(3) by redesignating subparagraph (F) as subparagraph (G), and

(4) by inserting after subparagraph (E) the following new subparagraph:

"(F) a program of the type described in section 222(a)(2) of the Economic Opportunity Act of 1964, as in effect on August 12, 1981, to be known as 'Senior Opportunities and Services'; and".

COMMUNITY FOOD AND NUTRITION PROGRAM

SEC. 306. The Community Services Block Grant Act (42 U.S.C. 9001 et seq.) is amended by inserting after section 681 the following new section:

"COMMUNITY FOOD AND NUTRITION

"SEC. 681A. (a) The Secretary shall, through grants to public and private, non-profit agencies, provide for community-based, local, and statewide programs—

"(1) to identify food and nutritional needs of low-income populations, especially high-risk infants and children;

"(2) to assist low-income communities to identify potential sponsors of children nutrition programs and to initiate new programs in underserved or unserved areas;

"(3) to coordinate existing private and public food assistance resources to better serve low-income populations; and

"(4) to increase public awareness of hunger and develop strategies to minimize dependence on emergency food assistance.

"(b) There are authorized to be appropriated \$5,000,000 for the fiscal year 1985 and \$5,000,000 for each of the four succeeding fiscal years to carry out this section, except that some funds shall be expended for programs for each of the purposes specified in paragraphs (1) through (4) of subsection (a)."

AUTHORIZATION OF APPROPRIATIONS

SEC. 307. Section 683(b) of the Community Services Block Grant Act (42 U.S.C. 9912) is amended by striking out "1982, 1983, and 1984" and inserting in lieu thereof "1984, 1985, 1986, 1987, 1988, and 1989".

TITLE IV—NATIVE AMERICAN PROGRAMS

SHORT TITLE

SEC. 401. This title may be cited as the "Native American Programs Act Amendments of 1983".

DISTRIBUTION OF FINANCIAL ASSISTANCE

SEC. 402. (a) Section 803(a) of the Native American Programs Act of 1974 (42 U.S.C. 2991b) is amended by adding at the end thereof the following: "Every determination made with respect to a request for financial assistance under this section shall be made without regard to whether the agency making such request serves, or the project to be assisted is for the benefit of, Indians who are not members of a federally recognized tribe. To the greatest extent practicable, the Secretary shall ensure that each project to be assisted under this title is consistent with the priorities established by the agency which receives such assistance."

(b) Section 803(c) of the Native American Programs Act of 1974 (42 U.S.C. 2991b(c)) is amended—

(1) by inserting "(1)" after "(c)", and
(2) by adding at the end thereof the following new paragraph:

"(2) No project may be disapproved for assistance under this title solely because the agency requesting such assistance is an Indian organization in a nonreservation area or serves Indians in a nonreservation area."

ADMINISTRATION OF PROGRAMS

SEC. 403. Section 812 of the Native American Programs Act of 1974 (42 U.S.C. 2992b) is amended to read as follows:

"ADMINISTRATION; DELEGATION OF AUTHORITY

"SEC. 812. (a)(1) The general administration of the programs authorized in this Act shall remain within the Department of Health and Human Services and, notwithstanding any authority under any other law, may not be transferred outside of such Department.

"(2) The Secretary shall continue to administer grants under section 803 through the Administration for Native Americans. The Commissioner of such Administration may not delegate outside of the Administration the functions, powers, and duties of the Commissioner to carry out such section.

"(b)(1) Except as provided in subsection (a)(2), the Secretary may delegate only to the heads of agencies within the Department of Health and Human Services any of the functions, powers, and duties of the Secretary under this title and may authorize the re-delegation only within such Department of such functions, powers, and duties by the heads of such agencies.

"(2) Funds appropriated to carry out this title, other than section 803, may be transferred between such agencies if such funds are used for the purposes for which they are authorized and appropriated.

"(c) Nothing in this section shall be construed to prohibit interagency funding agreements made between the Administration for Native Americans and other agencies of the Federal Government for the development and implementation of specific grants or projects."

DEFINITIONS

SEC. 404. Section 813 of the Native American Programs Act of 1974 (42 U.S.C. 2992c) is amended—

(1) in paragraph (3) by striking out the period and inserting in lieu thereof "; and", and

(2) by adding at the end thereof the following new paragraph:

"(4) 'Secretary' means the Secretary of Health and Human Services."

EXPENDITURE OF AVAILABLE FUNDS

SEC. 405. Section 814 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking out "1981" and inserting in lieu thereof "1987",

(2) by inserting "(a)" after "Sec. 814.", and

(3) by adding at the end thereof the following new subsection:

"(b) Not less than 90 per centum of the funds made available to carry out the provisions of this title for a fiscal year shall be expended to carry out section 803(a) for such fiscal year."

TITLE V—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 501. This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act or October 1, 1984, whichever occurs later.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Kentucky (Mr. PERKINS) will be recognized for 20 minutes and the gentleman from Wisconsin (Mr. PETRI) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 5145 extends for 5 years several programs of proven merit which are aimed at helping the least advantaged of our citizens. These programs have been carefully scrutinized by the Committee on Education and Labor, and the bill incorporates amendments proposed by both Democratic and Republican members of the committee.

The Head Start program would be extended for 5 years with an increase in the authorization of appropriations only sufficient to maintain the current services for that program. There is probably no more useful Federal program than this one which is aimed at helping poor children before they enter first grade. Head Start is currently funded at about \$1 billion and this authorization would increase it to \$1.3 billion in 1989.

The Follow Through program was meant to complement the Head Start program by providing extra assistance for poor children through their first 3 years of school. H.R. 5145 would extend this program for 5 years. If we do not enact this extension, the Follow Through program will be phased out this year as a result of Gramm-Latta.

The community services block grant would also be extended for 5 years. That program is currently funded at \$352 million. This block grant was created in 1981 as a result of Gramm-Latta and is supposed to continue many of the services previously funded through the Economic Opportunity Act.

The Native American program was also created by the Economic Opportunity Act. This program would also be extended for 5 years.

H.R. 5145 also creates a modest new program dealing with improving information on child care services. With so many working mothers nowadays we must do whatever we can to assist them in finding the best day care programs for their children.

Let me emphasize that all of these programs, with the exception of this new child care information program, have been in operation for years and are recognized as being of proved merit. All we are doing in this bill is "fine tuning" these programs.

Some Members are concerned that we are bringing this bill under suspension of the rules. Ordinarily I would be pleased to seek a regular rule and have

this bill fully debated and amended because I know that there is such strong support for it.

But let me remind my colleagues that we are well past the midway point in our session this year. We have already been in session 62 days and only have about 50 days left. In those 50 days we will have to do 11 appropriation bills, the immigration bill, the bankruptcy bill, and many other bills. I am afraid that if we do not pass this bill today we may not be able to get the time on the floor that we need to enact it. And, I would hate to see all these programs put under a continuing resolution which will lead to so much confusion in their administration.

Mr. Speaker, let me go into some more detail on this bill. We are here today to consider H.R. 5145 the Human Services Amendments of 1984. This bill authorizes appropriations for Head Start, Follow Through, the Community Services Block Grant, Child Care Information and Referral Act, and the Native Americans Program Act.

Title I of the bill reauthorizes the Head Start program for 5 additional years at \$1,111,000,000 for fiscal year 1985; \$1,167,000,000 for fiscal year 1986; \$1,225,000,000 for fiscal year 1987; \$1,286,000,000 for fiscal year 1988; and \$1,350,000,000 for fiscal year 1989. Congress has currently appropriated approximately \$1 billion for the Head Start program. These authorization levels merely allow for increases which will maintain the program at current service levels. Head Start has long been regarded as an effective program which provides educational, medical, and nutritional services to children ages 3 to 5 whose economic circumstances put them at an academic disadvantage. Numerous studies have shown that since this program began under the Economic Opportunity Act of 1965, we have made great strides in providing children with equal educational opportunity. These children now perform as well as their peers when they begin school. This means fewer grade retentions, fewer special education placements, lower absenteeism. It also means a rate of return on the dollar invested second only to medical school, according to the Perry preschool project's study of low-income children and their educational gains.

H.R. 5145 would continue to make improvements on this program in several ways. The bill requires that funding for training and technical assistance be maintained at no less than the fiscal year 1982 level; prohibits the use of Head Start funds in any combined discretionary fund; insures that all designated projects meet program and fiscal requirements; makes explicit the authority for Head Start programs to provide more than 1 year of Head

Start services to children age 3 to the age of compulsory school attendance; and requires the continuation of child development associate training and resource access projects.

Title II of H.R. 5145 reauthorizes the Follow Through program for 5 additional years at \$22,150,000 for fiscal year 1984; \$23,000,000 for fiscal year 1985; \$24,150,000 for fiscal year 1986; \$25,350,000 for fiscal year 1987; \$25,625,000 for fiscal year 1988, and \$27,000,000 for fiscal year 1989. Follow Through is a federally sponsored education program which provides very high quality classroom instruction and services to disadvantaged children, like the Head Start program, as those children enter school.

H.R. 5145 would clarify the purpose of research and demonstration projects under the Follow Through program and would require that they be completed. The bill would also provide for a new comprehensive evaluation of Follow Through programs in regard to how effective these programs have been in narrowing the gap in successful educational performance between children from low-income families and children from non-low-income families.

Title II of H.R. 5145 would also establish the Child Care Information and Referral Services Act with the purpose of awarding grants and contracts to make efficient utilization of already existing child care services by creating models for centralized systems which would link families in need of child care with appropriate child care providers. This act would also serve to document the availability of and demand for child care providers at the local level and improve the quality and number of child care providers by gathering data which reflects local needs.

This act will be administered by the Secretary of Health and Human Services through the Administration for Children, Youth, and Families. There is authorized to be appropriated for this act \$8,000,000 for fiscal year 1985; \$8,400,000 for fiscal year 1986; \$8,825,000 for fiscal year 1987; \$9,275,000 for fiscal year 1988; and \$9,725,000 for fiscal year 1989.

Third, title III under H.R. 5145 reauthorizes the community services block grant for 5 additional years at \$409,000,000 for fiscal year 1984; \$429,000,000 for fiscal year 1985; \$451,000,000 for fiscal year 1986; \$473,500,000 for fiscal year 1987; \$497,000,000 for fiscal year 1988; and \$522,000,000 for fiscal year 1989.

The community services block grant is the only specific Federal program designed as its primary focus to alleviate poverty. Community Action agencies under this program have, for 20 years served and supported rural and urban poor individuals. Local and

State initiatives under this program have aimed at getting people off welfare and into productive work.

H.R. 5145 would make several changes to this important program. The bill restores the senior opportunities and services program under the discretionary section of the act; restores the community food and nutrition program with a modest authorization level of \$5,000,000 for fiscal years 1985 through 1989; maintains the existing laws for State waivers for those States in which 45 percent of their counties did not have Community Action agencies; and modifies the existing passthrough to Community Action agencies by reducing the required amount from 90 percent to 85 percent and requires the States to use a portion of the remaining funds whenever the State expands the service area of a Community Action agency to cover an unserved area within the State or to establish a new Community Action agency.

Finally, H.R. 5145 under title IV, amends title VIII of the Economic Opportunity Act of 1964, the Native American Program Act of 1964. The purpose of this title is to promote the goal of economic and social self-sufficiency for American Indians, Hawaiian natives, and Alaskan Natives through financial assistance, training and technical, and research demonstration and evaluation activities.

H.R. 5145 first of all would indefinitely extend the prohibition on the transfer of title VIII programs to agencies outside HHS. Second, the bill reaffirms the title VIII requirement that Native American programs are available to all types of Indian and Native American organizations eligible for assistance and that no potential grantee could be denied assistance solely on the basis of its status with respect to Federal recognition. Third, the bill requires that at least 90 percent of the available funds be used to support the development efforts and service programs of grantees directly with local Indians and Native American communities.

Mr. Speaker, these programs are important to thousands of children and adults throughout our country, most of whom are low income. It is imperative that we move swiftly here today to reauthorize these programs in order that individuals can continue to receive these much needed services. I strongly urge my colleagues on both sides of the aisle to vote for H.R. 5145.

□ 1250

Mr. Speaker, I would hope that everybody would vote for H.R. 5145. The chairman of the subcommittee that marked up this bill is over in France at the beachhead over there for a celebration that will take place in the next day or two. That is the reason that I am managing the bill on the floor.

I think you all know that IKE ANDREWS is not an individual that believes in throwing away one penny any time. It is my hope that everybody will support this legislation.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ERLÉN-BORN).

Mr. ERLÉN-BORN. Mr. Speaker, I rise in opposition to suspending the rules of this body for the consideration of H.R. 5145, the Human Services Amendments of 1984. The bill calls for 5-year reauthorizations of the Head Start, Follow Through, Community Services block grant and native Americans programs. H.R. 5145 also establishes a child care information and referral services grant program.

The objections that I have at this time, Mr. Speaker, are not directed toward the merits of those provisions which extend and make important changes in the popular and successful Head Start program. Nor do I wish to debate the pros and cons of those titles of the bill that would extend and increase the authorizations of appropriations for the Follow Through, Community Services Block Grant and Native Americans Act programs. Similarly, I do not, at this time, choose to discuss the features of the proposed new child care information and referral services grant program. In short, Mr. Speaker, the objections that I am raising today are not substantive but procedural in nature.

Generally speaking, reauthorization measures are the primary legislative vehicles for establishing overall policy direction. In the case at hand, we are, in effect, establishing the legislative parameters for five diverse social service programs through fiscal year 1989.

Moreover, we are committing ourselves to the investment of over \$7 billion in Federal funds to provide the various services that are afforded through these programs to a host of vulnerable groups within our society.

Mr. Speaker, I find it most regrettable that the Democratic leadership has acquiesced and waived its own Democratic Caucus rule 38(B) and, in so doing, agreed to a major social services bill being considered under suspension of the rules—with debate limited to a total of 40 minutes. A quick nose count indicates that only a handful of our colleagues are present to participate in debate. More important than the limited time that can be devoted to, and the very few Members present for debate of the issues involved, is the fact that no Member of this House will have an opportunity to offer amendments to change the administration of, or the range or quality of benefits afforded to the hundreds of thousands of individuals participating in the various programs being reauthorized. In my judgment, Mr. Speaker, consideration of H.R. 5145

under the suspension procedure renders a disservice not only to program participants, and the taxpayers of this Nation whose tax dollars—in excess of \$7.2 billion of these tax dollars are being earmarked in this legislation—but also to each and every Member on both sides of the aisle.

Traditionally we have reserved the Suspension Calendar for the consideration of noncontroversial measures that commit no more than \$100 million of Federal funds in any given fiscal year. That is as it should be. The argument that the remaining legislative days are few is less than a compelling one justifying the waiving of a rule that makes good procedural sense.

In closing, Mr. Speaker, I urge my colleagues on both sides of the aisle who object to making a mockery of the rules of this body and a farce of the legislative process in which we have been entrusted to participate to join me in voting against suspending the House rules for consideration of H.R. 5145.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. I thank the gentleman for yielding me this time.

Mr. Speaker, the policy, the procedure under which we bring this bill to the floor is, admittedly, somewhat unusual, but these past 3 years have seen unusual times for those for whom this bill is designed. Unusually difficult times. If we are to continue to assist those people that have been so battered by the last recession, we need to move now. This may be the last chance that this Congress has to reauthorize the legislation that these people so desperately need.

This bill will continue the efforts of the Follow Through program. This year, more than 30,000 children will be served by that program, and as my colleagues know, and as the parents of those children know, it is follow-through that assures that the success of Head Start continues.

This bill may be the last chance that this Congress has to include an important component which promotes the efficient linking of child care services to families in need of these services. The Child Care Information and Referral Act, as originally introduced by Representative MIKULSKI, will assist those families who depend upon child care for their economic survival.

This bill may be the last chance that this Congress has to pass the Community Services block grant reauthorization and maintain this country's commitment to its 35 million poor people. It may be the last chance that the Indian people have to see the reauthorization of the Administration of Native Americans Act.

Finally, it may be the last chance that this Congress has to reauthorize the Head Start program. My colleagues on both sides of the aisle understand the importance of Head Start, that Federal initiative which serves more than 425,000 American children.

□ 1300

The comparison between those children who attend Head Start and those who do not tell the story. Head Start children have higher achievement in school, are less likely to fail a grade, less likely to drop out of school, less likely to require special education.

And yet, my friends, only 18 percent of all the American children eligible for Head Start are included in this program. But this Congress ought not turn them down, and this bill may be the last chance we have in this Congress to help those Head Start children.

Mr. Speaker, I reserve for the chair the balance of my time.

The SPEAKER pro tempore. The gentleman from Montana yields back 2 minutes.

Mr. PETRI. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. I thank the gentleman for yielding this time to me.

Mr. Speaker, let me just say that the two speakers on the other side of the aisle have said time is short and we really do not have time, it is getting near the end of this session, the other speakers saying this may be the last chance to pass these programs.

I find it so difficult to believe that they could stand on this floor of this Congress that has lurched along from one recess to the next, working sometimes 3 days a week, to say that we just do not have time to follow the legislative procedures that are the proper procedures to follow.

I cannot remember the last time we worked on a Monday or a Friday in this House. I cannot remember ever being in a Congress that has done so little and has devoted so little time to the legislative process. This is not a matter of us being jammed with work. How can they stand on this floor and tell us we do not have time and then we probably will not be working all of this week. We had no votes yesterday, no votes today. Members are not even in town. Last week we worked 3 days. The week before I do not think that we worked more than 2.

It is just difficult to believe that they can say that.

Mr. PERKINS. Mr. Speaker, I yield myself 1½ minutes.

I want to congratulate our distinguished colleague from Illinois for a wonderful political speech. As I understand the situation, the leader on the other side of the Senate wants to get

out of here by July 1 and not come back at all.

Let me say to the distinguished gentleman that we are way ahead—way ahead—of the other body and I do not know where the House has been derailed. We worked here last week until 11 o'clock, 11:30 p.m. It is true enough we have gone home on Fridays as a general rule, and I would think the gentleman from Kentucky and the gentleman from Illinois both have participated in those trips home and have enjoyed them, working with their constituents, and so forth.

So I do not see where we are dilatory around here. We well know with this rush, getting near the end of the session, that we are not going to get a lot of these programs reauthorized unless we put them under suspension.

Here we have programs that are not controversial.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Speaker, let me ask the gentleman, Did he inquire of the Speaker if he could find an hour in our busy schedule to debate this bill?

Mr. PERKINS. It is my information that we have already made an inquiry through the majority leader's office, and we could not get any absolute assurance that these programs would come up under an open rule at all. So time is of the essence here, and these programs are so familiar there should not be any objection to a suspension.

Mr. PETRI. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER.)

Mr. WALKER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I found this discussion most fascinating, given the fact that on many, many days this year not only have we not been in session, but on many days we have been in session we have completed our business by 1 or 2 o'clock in the afternoon. I think I can safely predict that this afternoon we will probably complete our business by midafternoon.

It seems to me that when we are spending over \$8 billion, \$3½ billion over the President's budget, that we might be able to schedule an hour of general debate later on in this particular day and then allow us to have the regular amendment process go forward. I think most of us would be perfectly willing to debate this bill under the regular procedures of the House later on today, rather than have it come up under this kind of procedure.

This procedure is precisely why the American people are asking, "Where do the big spenders come from?" Well, here is an example of where the big spenders come from. They come from this kind of procedure that brings bills

onto the floor that do not permit any kind of amendments, that do not permit us to act as the House would normally act on legislation.

Here is an \$8 billion bill, \$3½ billion over the President's budget, and the President's budget is constantly criticized on this floor as being \$175 billion out of balance. I would say to this House that if you want to know where the big spenders are, the big spenders are out here on the floor bringing legislation to us in this kind of a manner.

I suggest that there are many programs in this bill that many of us would like to vote for, but we do not want to vote for them in a wholly irresponsible way that allows 20 minutes of debate on \$8 billion worth of spending on each side of the aisle. That is wrong. The Members of Congress know that it is wrong.

I am sorry the majority leader refuses to guarantee the scheduling of this bill at an appropriate point during the session. I would suggest that we could have scheduled it later on today.

Mr. WILLIAMS of Montana. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be very glad to yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. I thank the gentleman for yielding.

Mr. Speaker, the gentleman makes a good point. The gentleman wishes we had an hour of debate. The point is that we have 40 minutes, so the gentleman wants 20 more minutes. The gentleman's side has already spent 10 minutes arguing about the merits of the policy when you really want to debate the merits of the bill. You should debate it.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

Mr. PETRI. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding this additional time to me.

Mr. Speaker, I would simply say to the gentleman from Montana that it is not just the additional 20 minutes, as the gentleman knows. The gentleman also knows that during the regular procedures of the House we would be allowed to offer amendments. In some of the areas where we think that the spending of your authorizing committee has gone way out of line, where you have added on \$3½ billion to the administration's request, it would give us the opportunity to offer amendments, responsible amendments, that would preserve good programs but yet would do something to cut back on the spending that the American people demand that we deal with.

The American people, in all honesty, are disgusted with \$200 billion deficits. The gentleman from Montana knows

that. The gentlemen on the other side of the aisle know that. They constantly talk about it on the floor.

The only way we have a chance to deal with those kinds of issues is to bring them to this floor and deal with them in a responsible amendment process. With this kind of action, with this kind of suspension of the rules, we are precluding that amendment process and thereby, it seems to me, precluding fiscal responsibility.

Mr. PERKINS. Mr. Speaker, I yield 30 seconds to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. I thank the gentleman for yielding this time to me.

Mr. Speaker, I simply would not want to leave the misimpression that this bill is over the House-passed budget because it certainly is not. It is, of course, over the President's budget, but then, both Republicans and Democrats in both the Senate and the House have overwhelmingly rejected the President's budget because he attempts to cut spending on the backs of the poor and the lower middle income people, and no one, I hope, on either side of the aisle wants to do that.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking Republican member of the subcommittee having jurisdiction over this bill, I rise to oppose passing H.R. 5145 under suspension of the rules. This bill is simply too costly, complex, and controversial to consider under a gag rule that limits full debate and, more importantly, precludes any amendments.

Let me begin by saying that I do not oppose everything in this measure. Quite to the contrary, I enthusiastically support reauthorization of the Head Start program provided by H.R. 5145 and recognize much merit in other components of this omnibus human services legislation. That is why I believe that this bill should not now be considered under suspension. This body should have the opportunity to separate the wheat from the chaff in this legislation rather than simply be forced to vote the entire package up or down.

Three major concerns force me to recommend against suspending the House rules for consideration of H.R. 5145. Those concerns can be summarized as three C's—cost, complexity, and controversy:

First, cost: This bill authorizes appropriations of some \$8 billion. As you know, the Democratic Caucus rules limit consideration under suspension to bills authorizing appropriations of \$100 million or less. The measure now under consideration, therefore, exceeds this limit over eightyfold—you heard that right—by over 8,000 percent.

Now there is an obvious purpose for the \$100 million limit that reaches to

the heart of our duty as Members of Congress. We are entrusted with spending our constituents' tax dollars. That is a heavy responsibility. This major appropriation of public funds deserves closer scrutiny than is permitted here today. Let us defeat the motion to suspend and bring this bill back under an open rule.

Second, complexity: H.R. 5145 contains a wide variety of components. It reauthorizes and amends four different programs—community services block grants, Head Start, Follow Through, and the Native Americans Act. In addition, it creates a new child care information and referral services program. These programs deserve separate consideration through the amendment process. We cannot even properly discuss them in the few minutes afforded for debate today.

Beyond the sheer cost and complexity of this bill, H.R. 5145 contains many controversial features that merit full debate by this body through the consideration of amendments. Perhaps the most glaring such feature is its early reauthorization of the Community Services Block Grant Act. Since the Omnibus Reconciliation Act of 1981 authorized funding for the CSBG Act through September of 1986, no action need take place for 2 years to continue that program.

The volume of business the Human Resources Subcommittee had to deal with during this session, including the reauthorization of six major acts and the consideration of several important new proposals, did not permit a meaningful review of the CSBG program. In fact, only one subcommittee witness provided testimony on the issue of early reauthorization. I would like to offer an amendment to H.R. 5145 to avoid the premature reauthorization of the CSBG program so that my subcommittee and the Congress can conduct a more detailed review of this one-half billion dollar program. Unfortunately, the procedures used here today foreclose such an amendment.

My colleagues may discuss other controversial features in this bill that at least merit extended debate and the opportunity for amendment. Even if those amendments are defeated, we owe it to our constituents to consider them. I urge you to vote against suspending the House rules for passing H.R. 5145. I look forward to addressing the various components of this bill on their individual merits under an open rule later this month.

□ 1310

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 5145, the Human

Services Amendments of 1984, which would extend the Head Start program, the Follow Through program, the community services block grant, and the Native American Programs Act for 5 years, and authorize the Child Care Information and Referral Services Act for 5 years.

The Head Start program has been an extremely effective program of early intervention which works with educationally at-risk children to prepare them for entry into the school system. Studies have shown that children of low-income backgrounds which participate in these programs do substantially better in school, and remain in school longer than their peers which have not enrolled in Head Start.

This year Puerto Rico will receive more than \$37 million for the Head Start program, of which \$9.5 million will be spent on centers in the San Juan area. In addition to programs run through the San Juan Department of Family Services, the Puerto Rico Office for Human Development supports 22 delegate agencies around the Island which serve over 11,000 children.

Mr. Speaker, I would also like to mention that Puerto Rico is proud to be the site for the 1985 National Head Start Conference, to be held in San Juan from April 25 to May 1, 1985.

The Follow Through concept is a strong, comprehensive child development system which effectively maintains and builds upon the gains that children from low-income families have made in Head Start and other quality preschool programs. Although relatively small in monetary terms, Follow Through provides access to innovative curriculum models which annually impact on more than 410,000 disadvantaged children. The network of local program, sponsor, and resource center works as a team to provide quality services to children, to demonstrate and disseminate effective practices, and to provide technical assistance to communities with educational practices.

Both Head Start and Follow Through have proven to effectively use Federal dollars to improve the opportunity for education for children from disadvantaged backgrounds, and as such deserve to be continued as a cornerstone in our war against poverty.

Mr. Speaker, I am also pleased to support the extension of the community services block grant program, which although limited in size has been a vital mechanism for improving life in low-income communities. In Puerto Rico, each community to be served determines priorities for use of these funds, and thereby succeeds in shifting funding to the most needy segments of our population.

I would like to commend my colleague **IKE ANDREWS** for his leadership role in developing this legislation, and as a cosponsor of the measure, urge my colleagues to vote in support of passage.

Mr. Speaker, I would like to respond briefly to a few of the comments that have been made against this bill under suspension.

First, the bill is neither costly nor controversial. In literally every case annual increases have been held only to about 5 percent over the previous year to allow for inflation and give Congress the option of maintaining this important program at the current level of service. It is difficult to understand how anybody can refer to this measure as controversial.

As a matter of fact, H.R. 5145 is a companion bill to the Senate committee bill, S. 2374, introduced earlier this year by the Senator from Vermont. That, too, contained a 5-year reauthorization and provided even more funds for the Head Start program.

If anything, H.R. 5145 should be viewed as a responsible measure of cost efficiency. While the \$7 billion amount referred to around here appears to be a great deal of money, no mention was made of the fact that \$6.2 billion of those \$7 billion is for the Head Start program alone, and those expenditures are surely not controversial. Even the administration supports those expenditures, and H.R. 5145 only seeks to protect the Head Start program through rather modest amendments, most of which were contained in the Senate bill, S. 2374.

So what is controversial about this? Some say controversial measures are included in public programs, but we do not see that any controversy has been added. H.R. 5145 makes only modest amendments to Head Start, amendments to maintain current performance standards, amendments to maintain training funds for Head Start teachers, and amendments to clarify the program which should continue to be community-based. If that is controversial to anybody, then I am frightened for what they have in mind for Head Start.

In each instance the committee bill simply seeks to maintain the status quo. The point is made that H.R. 5145 is over the limit for bills being considered under suspension. That is true, but a waiver was sought and approved due to the general acceptance of these programs. That is what the waiver provisions are for, and they were used properly in this case.

Umbrage should be taken at any suggestion that a vote for this committee bill is in any sense a mockery of the legislative process. The practice of suspending the rules was always meant to be a means to expedite non-contested measures. That is precisely what we are doing under the Suspend-

sion Calendar this year, to expedite in a session that may be shorter, expedite the consideration of this legislation that has substantial support all over the Nation from both sides of the aisle.

The reauthorization of Head Start is noncontested. No one that I have heard has voiced public objections. The only objections to reauthorizing the community services block grant have been that it has been too early, but that is hardly a substantive objection. It was considered at hearings, and it was the consensus of most of the witnesses that it should be continued together. The Head Start community is strongly in favor since nearly two-thirds of local Head Start programs are sponsored by block-grant-supported agencies, and there was support for this.

So we have an important public program for poor children and their families which has been almost unanimously supported for the good that it does. Its biggest drawback has been that it was not capable of reaching more children and would carry enough authorization for only one of five eligible children that can be served.

So, Mr. Speaker, I finalize by saying that in a program that has done so much good for millions of poor children over the country, including many poor children in Puerto Rico and in the city of San Juan, where I have visited many of these Head Start centers and we can see what has been done for them in education and nutrition, giving them a real head start into education and schooling, I hope that by procedural objections we will not delay the consideration of this important legislation. Everybody supports it, and we can get it out of the way soon and pass it over for the other body to consider and not waste our time any longer in passing this bill. And, Mr. Speaker, I hope that it will have the support of all the Members of the House when it is voted on tomorrow.

The SPEAKER pro tempore. The time of the gentleman from Puerto Rico (Mr. **CORRADA**) has expired.

The gentleman from Wisconsin (Mr. **PETRI**) has 6 minutes remaining, and the gentleman from Kentucky (Mr. **PERKINS**) has 5 minutes remaining.

The Chair now recognizes the gentleman from Wisconsin (Mr. **PETRI**).

Mr. **PETRI**. Mr. Speaker, I yield 3 minutes to the gentleman from the neighboring State of Minnesota (Mr. **FRENZEL**).

Mr. **FRENZEL**. Mr. Speaker, we are considering H.R. 5145, the Human Services Amendments of 1984.

This is not a field in which I am expert, and I take the floor with some reluctance, but with gratitude to the gentleman from Wisconsin. The reason that I do so is not to discuss the substantive nature of the bill except in a very general way, but to

make again a protest, which has proved to be frustrating and futile in the past, about the abuse of House procedures that we are being subjected to today.

We thought that there was an agreement that we would only take minor bills under suspension. It has been referred to often today that the Democratic Caucus has a rule saying that bills that exceed \$100 million, which is a pretty loose rule, in my judgment, will not be put on the suspension calendar, and yet here we have a bill nearly \$9 billion in scope over 5 years, which runs considerably ahead of the budget and which contains two new programs which I have heard very little mention of on this floor today and about which I suspect very few Members know a great deal.

□ 1320

This bill is brought to us simply because its centerpiece, and Head Start program, is one that is popular everywhere around the United States. All of us would like to vote. In my district, I know it is a good program, but we have wrapped it in adornments which probably could not be passed by themselves and the fact that it is very well being treated to what I consider to be an abuse of our rules.

I think the committee can do a better job. I think it can bring out these bills on their own merits.

My best judgment tells me that the committee is going to have a chance to do it, because I suspect this bill is not going to get the necessary two-thirds and if, in fact, it does fail, I also suspect that the Speaker will be able to find those hours we were talking about that we need to debate.

It is not just the time, Mr. Speaker. It is the need to test these programs and these proposals through the debate process, which is the heart and soul of the action of this legislative arena. Any time you bring out a bill under a rule that prohibits any amendment—any amendment, not friendly amendments, not unfriendly amendments, not improving amendments, not detracting amendments—any time you do that, you have an abuse of the process and you have a bill that has not been tested in the process.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. **PETRI**. Mr. Speaker, I yield 2 additional minutes to the gentleman from Minnesota.

Mr. **FRENZEL**. I thank the gentleman for his generous allocation of time.

Any time you prohibit the amendment process, you are probably going to bring out a bill which the members of this committee and the Members of this House are not going to under-

stand fully. It will not have been tested in the process.

In addition, Mr. Speaker, we have been given 20 minutes on the minority and 20 minutes for the majority to discuss an \$8 billion bill. That is not the worst record. We have done worse than that around here. Nevertheless, that is a pretty big piece of meat for this House to be talking about in 20 minutes. Many of our Members are home voting in primaries. A few of our Members are reliving memories 40 years old on the beaches of Normandy. We obviously have an almost empty House to discuss this \$8 billion bill.

I regret very much that the distinguished chairman of this committee saw fit to bring the bill out in this way. I regret very much that I am not going to be able to vote for it and I regret very much my suspicions that the bill is going to fail. I think all the elements of this bill deserve better than this House is giving them. I am very sorry that I will have to vote no on this bill.

I yield the balance of my time.

● Mr. FAUNTROY. Mr. Speaker, I rise in support of H.R. 5145, the Human Services Amendments of 1984. This vital legislation would extend the Head Start, Follow Through, and community services block grant programs for 5 additional years. It would also extend the Native Americans Programs Act for 3 years and authorize the Child Care Information and Referral Act through fiscal year 1989.

H.R. 5145 would authorize \$1.1 billion in fiscal year 1985, \$1.17 billion in fiscal year 1986, \$1.23 billion in fiscal year 1987, \$1.29 billion in fiscal year 1988, and \$1.35 billion in fiscal year 1989 for the Head Start program. This vital legislation, which has proved so valuable to our Nation, would require that the Secretary of Health and Human Services administer this program through the Administration for Children, Youth, and Families in HHS. Most importantly it would require that funding levels for this program be maintained at no less than fiscal year 1982 levels, and would protect the integrity of the program by prohibiting the use of Head Start funds in any combined discretionary fund. Eligibility rules would also be preserved through this legislation.

The Follow Through program would also be continued through this legislation. This complementary program which builds upon the development gains made by economically disadvantaged children who have benefited from programs like Head Start. This bill also provides for a comprehensive evaluation of the Follow Through program in terms of its objectives in narrowing the gap in educational performance between children from economically deprived families and those from non-low-income families. The Follow Through program under this

legislation would be provided with an authorization level of \$23 million in fiscal year 1985, \$24.2 million in fiscal year 1986, \$25.4 million in fiscal year 1987, \$25.7 million in fiscal year 1988, and \$27 million in fiscal year 1989.

H.R. 5145 would also authorize a new child care information and referral services program, under the Department of Health and Human Services. This new program is designed to promote efficient use of available child care resources and would create models for locally based centralized systems, bringing together families needing child care services with those who provide the needed services.

This comprehensive legislation authorizes the community services block grant program and in doing so restores the senior opportunities and services program for low-income elderly citizens. The legislation restores the separate authority for the community food and nutrition program at a level of \$5 million for each of the next 5 years.

Finally, this bill amends the Native Americans Programs Act of 1974 continuing the prohibition of the transfer of these programs to agencies outside of the Department of Human Services.

This legislation is vital to the health, education, and well-being of our Nation, its children and its senior citizens. This legislation seeks to meet the basic human needs of our citizens and addresses many of the severe problems confronting many of our citizens.

I urge all of my colleagues to support H.R. 5145, the Human Services Amendments of 1984.●

● Mr. FORD of Michigan. Mr. Speaker, I rise in strong support of H.R. 5145, to Community Services Amendments of 1984. This bill would reauthorize the Head Start, Follow Through, and community services programs for another 5 years, providing for moderate yearly funding increases, and it would establish a program to provide child care information and referral services. The bill authorizes \$1.1 billion for Head Start in fiscal year 1985 which would be increased to \$1.35 billion by fiscal year 1989. The Follow Through program would similarly expand from \$22.2 million authorized in fiscal year 1985 to \$27 million by fiscal year 1989. Funding for the community services block grant program would also increase over the next 5 years.

There is conclusive evidence that the only way to eliminate poverty in our country endowed with an abundance of food and other natural resources, is to reach the families living in poverty and offer the new generations an opportunity to effectively compete in an increasingly complex society. Head Start, an experiment begun in the 1960's as a part of President Johnson's War on Poverty, is heralded today as the cornerstone education program for intervening in this syndrome of pover-

ty. Eligible children and their families are provided essential health and social services in addition to the classroom activities, laying an educational foundation for future successes.

In Wayne County, a part of which comprises my congressional district, about 2,000 families are currently serviced directly by the Head Start program, and the lives of at least the same number again are vastly improved through contact with families served by the program. Because of the strong effort and commitment to the program in my district, 410 additional families will receive the Head Start services this year, as a result of their successful competition for further funding. I take great pride in their achievements. I am also sobered by the recognition that there are at least five times as many families who are eligible to receive these services but who cannot participate because of the limited funding.

The Follow Through program is intended to literally "followthrough" on developmental gains made by disadvantaged children in preschool programs like Head Start when those children enter public schools. Between 600 and 700 children are currently served in my district, and again, because of the community's recognition of its value, the program is stretched to encompass 10 percent more children than actually funded for.

The community services block grant program has also proven extremely successful in sponsoring State and local initiatives aimed at promoting economic self-sufficiency through support programs to individuals with low incomes.

Mr. Speaker, children who have been fortunate enough to participate in these programs have demonstrated its success by being less apt to fail a grade or drop out of school. Families who receive services strengthen their ties to the community and their resolve to raise themselves out of poverty. We cannot afford not to pass this important legislation to continue all programs which not only provide a way out of poverty but provide a way to realize individual potential. I urge my colleagues to join me in voting in favor of H.R. 5145.●

● Mr. ANDREWS of North Carolina. Mr. Speaker, I am pleased to speak in favor this morning of H.R. 5145, a bill to extend Head Start, as well as many of the programs authorized by title VI of the Reconciliation Act—the title dealing with human services programs. These programs are well known and enjoy strong bipartisan support—Head Start, Follow Through, the community services block grant, and programs for Native Americans. In addition, H.R. 5145 would provide new authority to develop child care information and referral services in local communi-

ties to assist parents in making optimum use of existing child care resources.

H.R. 5145 borrows rather heavily on the Senate Republican bill of the same title, S. 2374, introduced by Senator STAFFORD, along with a substantial number of other Republican and Democratic Senators. It has been our hope that H.R. 5145 would be viewed as a bipartisan companion bill and we have been pleased to be joined by nearly 70 bipartisan cosponsors.

The programs being reauthorized by H.R. 5145 were once legislatively located in the Economic Opportunity Act of 1964. They all make vital contributions to the well-being of the low income and their children. I am most pleased that we can continue to consider them together today as we have traditionally done in the past. They are traditionally and programmatically interrelated. For example, about 60 percent of the Head Start programs are sponsored locally by programs funded through the community services block grant. They all have in common the goal of giving hands-up to those in need rather than hand-outs.

Title I of our bill extends the Head Start program for 5 additional years. This program, as we all know, funds programs throughout the entire country, serving more than 400,000 children from low-income families. It provides a broad range of services including health, nutrition, social, and education services, which help bridge the gap in early childhood development for economically disadvantaged preschoolers.

Title II continues the Follow Through program. While not as large as Head Start, it still makes an important contribution. It is intended to literally, "followthrough" on developmental gains made by disadvantaged children in programs like Head Start when those children enter public schools.

Title III of H.R. 5145 reauthorizes the community services block grant program for 5 additional years. This is the only Federal program with the specific objective of poverty prevention and alleviation as its primary focus. There are surely other block grants, the social services block grant for example, but they do not address the needs addressed by the community services block grant. In the social services block grant legislation, for example, low income is not mentioned among eligibility criteria and the word "poverty" does not appear even one time. Those who suggest duplication can do so only out of a political expediency which is totally unrelated to the needs of the poor.

A new provision establishes the Child Care Information and Referral Services Act as proposed by Congresswoman MIKULSKI in H.R. 2242. The subcommittee held hearings on this

bill during the last session and its content is incorporated into H.R. 5145.

H.R. 5145 also continues programs for Native Americans as administered through the Administration for Native Americans. The provisions in the committee bill were incorporated from H.R. 4468, the Native American Programs Act Amendments of 1983, introduced by my colleague, Congressman PAT WILLIAMS of Montana. This was also a bipartisan bill with 70 cosponsors which passed the committee without amendment before being incorporated into H.R. 5145.

In summary, H.R. 5145 should be noncontroversial and acceptable to all members. It is the companion to a Senate Republican bill upon which our effort is based. It has bipartisan support in the House and has been carefully considered during subcommittee and full committee deliberations. Most importantly, it continues programs which are vitally important to that segment of our Nation most in need and, in every instance, these programs seek to make their recipients more self-sufficient and less dependent on direct Government aid. I strongly urge favorable House consideration. ●

● Mrs. VUCANOVICH. Mr. Speaker, today, this body will vote on H.R. 5145, the human services amendments which will reauthorize the Head Start program. I have consistently been a strong supporter of Head Start because I believe it is an extremely effective preschool program for low-income children. Research over the last decade has indicated that Head Start children have done better in school, and as a whole, have maintained their grade level, dropped out of school less, and required less special education programs than those children who have not been enrolled in Head Start. I strongly believe that this program should be continued and extended.

However, Mr. Speaker, H.R. 5145 also reauthorizes two other more costly programs, the Follow Through program and the community services block grant program. The community services block grant program is prematurely reauthorized for 5 years when it has been determined by this Congress to phase out this program within the next 2 years. H.R. 5145 also creates a totally new program, the child care information and referral services program.

I am disturbed that such costly and controversial legislation has been brought up for consideration under the Suspension Calendar. Historically, the Suspension Calendar has been used to expedite noncontested measures. Today, however, H.R. 5145 which authorizes over \$7 billion in taxpayer dollars will not be amended to reflect the budget concerns of this House and the American people.

While I strongly support the Head Start program, I believe Members

should have the opportunity to debate this bill and offer amendments which would reduce its funding levels. Head Start should not be subject to delays in funding merely because the leadership of this House wants to reauthorize controversial and costly programs without the benefit of a legitimate debate.

I urge my colleagues to defeat H.R. 5145 under suspension so that the bill can be brought to the House floor for debate and amendment. ●

● Mr. GAYDOS. Mr. Speaker, 20 years ago, the Congress of the United States, recognizing that many young Americans were too far behind in their ability to learn by the time they started school, created the Head Start program.

This program, a part of America's war on poverty, gave many millions of American children a chance to enter school on a par with other children.

Each year, about 425,000 children take part in Head Start, a program which has enabled those children to reach higher levels of achievement and cut down on drop-out rates. Still, those 425,000 children represent only about 18 percent of those eligible to be involved.

Five years after the passage of Head Start, in 1969, we added the "Follow Through" program to insure that the early successes of Head Start would continue through the early school years—and this program, too, worked.

Today, we are talking about excellence in education. We are talking about the basics in education—reading, math and science.

We are concerned about the failures of our children.

With this bill, H.R. 5145, the Human Services Amendments of 1984, we have an opportunity to put our money where our mouths are.

Excellence in education is not new as an issue. For the past 27 years, America has been trying to define its education system. I am sure we can all remember the flurry in 1957 when the Soviet Union's Sputnik raised questions about America's ability to compete in the conquest of space.

So we concentrated our efforts on math and science.

In 1964, we realized that many children were having reading problems so we created new programs to deal with that. The two major efforts were the Elementary and Secondary Education Act—and Head Start.

In the 1970's, the buzz word was relevance, or what I call the "do-your-own-thing" education system. Everyone was encouraged to study what they believed was important to them, not necessarily what was best for them—or our country.

Today, we are concerned about the basics—reading, math and science.

Well, what could be more basic than the early years of school.

And that is where Head Start and Follow Through play the major role.

Yes, it will cost us something, but how do you put a price on the benefits to be gained? As the saying goes, "A mind is a terrible thing to waste." Can we afford to waste even one mind in our quest for educational excellence?

Who knows, one of those minds could be your child's, or your grandchild's?

America's greatest resource is its people. For more than 300 years, it has been the American people—first as colonists and later as Americans—who have brought this country from a wilderness to the greatest Nation in the world.

We cannot afford to ignore the importance of the opportunity we have by passing this bill. Let no one say we are given to wasting anyone's mind.●

● Mr. JEFFORDS. Mr. Speaker, I rise to add my support for the programs that are reauthorized by H.R. 5145. I must temper my support, however, because of the procedure being used to bring this bill to the floor. While recognizing the time pressure involved in this session of Congress and the necessity of reauthorizing these important programs, I would have preferred that this bill come to the floor with the opportunity for limited debate and amendments. In general, I feel that it is critical that Members have this chance when considering significant pieces of legislation such as H.R. 5145.

Head Start, Follow Through, and the predecessor of the Community Service Block Grant (CSBG) were all begun in the 1960's as part of the War on Poverty. In the State of Vermont, with a poverty rate of over 12 percent, this war is still being waged. The programs authorized in H.R. 5145 provide some of the main weapons being employed to aid our poor people help themselves. Whether it is early education, job training, nutritional assistance, or day care services, the long-range goal of these programs is to make participants and their families less dependent on Government assistance.

Two qualities of these programs make them especially worthy of support. First, the funds that are provided to community organizations and agencies act as catalysts for substantial non-Federal resources. For example, the CSBG allowed the Central Vermont Community Action Council to hire one part-time person to staff the Family Violence Shelter project which has grown to 35 volunteers and 9 residential sites. In fact, in this region of Vermont alone, over \$155,000 worth of time, space, supplies, and other goods have been mobilized as a result of the CSBG funding.

The second quality I would like to mention is the flexibility of these pro-

grams to meet the unique needs of different localities. The Head Start program in Vermont is a fine example of this. While Head Start programs are usually provided through centers, the rural nature of Vermont favors a home-based approach. Not only does this flexibility allow the program to reach many more of the families in outlying areas of the State, but it also recognizes that parents are the primary educators of their children.

I would like to salute the people of Vermont who have made these programs successful, and encourage my colleagues to vote for this legislation which makes this success possible.●

● Mr. TOWNS. Mr. Speaker, I would like to take this opportunity to extend my support to H.R. 5145, the Human Services Amendment of 1984, which would authorize the Head Start and Follow Through program, the community block program for 5 years and the Native American Programs Act for 3 years.

Since its creation in 1965, the Head Start program has been recognized as one of the Federal Government's most effective social programs. Head start serves more than 425,000 children. Yet, as research indicates, only 18 percent of all economically eligible children can presently be involved. This fact alone stresses the need for the continuation of this vital program.

The Follow Through program, which would be reauthorized serves also a valuable purpose, in that, it is a positive reinforcement to those disadvantaged children who enter the public school system. It literally continues to monitor the progress of those who pass through Head Start.

Language in the bill does not alter the existing structure of Head Start but strengthens the present program and establishes a plan for reorganization. The funding structure prohibits the comingling of Head Start funds, with a combined discretionary fund. This measure further assures the continuation of the programs' effective implementation. The bill also establishes criteria for congressional control over eligibility standards for participation in the program. This, guarantees the involvement of Congress in the decisionmaking process.

These programs serve not only the immediate needs of the working parents in the community, but have long-range effects on the community as a whole, as they benefit and foster community spirit, in their concern for the educational well being of the children. Because of these important attributes, I urge you to act favorably on H.R. 5145. This will permit the Head Start program to continue its most important task, serving the community. H.R. 5145 also establishes a new program for child care information and referral within HHS. Local projects will be

able to provide information on the availability of child care.

For all the above reasons, H.R. 5145 desires to be enacted despite the administration's announced opposition to this measure.●

● Mr. WYDEN. Mr. Speaker, I would like to commend Chairman IKE ANDREWS and the members of the House Education and Labor Committee who have worked to put together H.R. 5145, the Human Services Amendments of 1984, which was considered by the House of Representatives yesterday and will be voted on today.

The Head Start program has been extremely important to the residents of my home State of Oregon. The program has provided needed services for disadvantaged preschool age children all across Oregon, and the rest of the country. The educational, medical, and nutritional services provided by Head Start programs will help these children as they enter school and have to compete with other students who are more well off.

Though the Head Start program serves more than 425,000 children in the United States, it reaches only 18 percent of the preschoolers who are eligible. However, unlike some Federal programs we have seen which have grandiose goals when they are conceived, but little payoff at the finish line, the Head Start program has proved that it can go the distance and be enormously successful. The statistics show that disadvantaged youngsters who have had the opportunity to participate in Head Start are more likely to succeed in school than those who have not.

H.R. 5145 would extend this success another 5 years, with 5 percent increases annually to adjust for inflation and allow current services to remain constant. I believe this is a commendable, goal, and I urge my colleagues to support this legislation.●

● Ms. MIKULSKI. Mr. Speaker, I rise today to urge my colleagues to suspend the rules and pass H.R. 5145, the Human Services Amendments of 1984. This bill contains authorization for a child care information and referral services program, which I had originally introduced separately and which is part of the Economic Equity Act.

I am an original cosponsor of the Human Services Amendments and I am especially pleased by the inclusion of the Child Care Information and Referral Services Act.

This section establishes a grant program to fund referral services that will link families in need of child care with the already existing services in their area.

This program will accomplish three important goals. It will:

First, assist families in selecting child care appropriate to their specific needs;

Second, document the availability of and demand for child care services at the local level; and

Third, improve the quality and quantity of providers by gathering data on local needs and preferences.

My interest in child care referral services grew out of my knowledge of the excellent work of the Maryland Committee for Children.

The committee operates a service called "Locate." Basically, "Locate" is a child care information and referral service which uses computers to store data on child care providers and to match up parents' needs. It is exactly the kind of grassroots activity that this legislation would help fund.

The need for child care services in this country has been well documented. About 19.5 million children 13 years old and under live in families in which all parents present in the home work. Many of them—6.1 million—are under age 6. In addition, 4.3 million children 13 years old and under, including 1.3 million under age 6, live in one-parent families where the parent works.

This legislation will help these working mothers and fathers locate appropriate child care. The money is not available in existing programs.

Title XX programs are already stretched beyond an acceptable point in funding much needed social service programs and I am sure I do not have to describe for you the difficulty States are facing in meeting their existing budget.

While some clearinghouses have been established, like the one in Maryland, it will take this Federal initiative to assure that these needed services are available in all our States.

Today, and in the future, there will be many working parents, many single parents, and many children who need quality care for all or part of the day. This program will provide that care in the most efficient and productive way.

Although this legislation will not directly increase the supply of child care services, it will directly facilitate the efficient use of the existing supply. Further, it will indirectly encourage the expansion and upgrading of existing services.

This low-cost program, which maximizes efficiency and also encourages private sector expansion, is a much-needed solution to the problems that parents face in finding quality child care and that employers face in assisting their employees in such efforts.

I urge my colleagues to suspend the rules and pass H.R. 5145. Thank you. ●
● Mr. MILLER of California. Mr. Speaker, I want to express my enthusiastic support for H.R. 5145, the Human Services Amendment of 1984.

By reauthorizing the Head Start program, this legislation renews our commitment to early childhood education and to a program that has histori-

cally enjoyed overwhelming bipartisan support and recognition in the Congress. The new provision of the Head Start reauthorization which guarantees grantees the security of funding from 1 year to the next is an important one. It will allow a Head Start program to serve a child for more than 1 year, insuring continuous quality early education.

The Select Committee on Children, Youth, and Families has heard repeatedly from educators, researchers and parents that Head Start works. Expert research provides the evidence that high quality preschool education for disadvantaged children results in fewer placements in special education, higher academic performance, higher high school completion, lower crime rates, and improved prospects for a better quality of life.

This bill's reauthorization requests are modest given what we know about the long-term cost savings of a preventive strategy. For every dollar invested in high quality preschool programming, such as Head Start, there is a \$1 reduction in public special education costs. For every \$1 invested, there is a \$0.50 reduction in crime costs, a 25-percent reduction in welfare costs, and a \$3 increase in lifetime earnings projections. Reauthorization of Head Start, one important component of this legislation, is an investment in the future of our children.

I also call special attention to sections of this legislation which authorize the Child Care Information and Referral Act. The intent of this legislation is to assist families in selecting child care that best meets their needs by establishing locally based centralized systems that link families with available child care resources. Such a system would also facilitate parental education to select the most appropriate child care.

The select committee spent its first year documenting the major concerns of children and families across the country. The need for child care emerged repeatedly in every State and city in which we held hearings. Moreover, it became overwhelmingly clear that child care can serve as a tool to reduce child abuse and juvenile crime, and to facilitate women's entrance into the work force. In response, the select committee has embarked on a major child care initiative for a new national discussion of child care options in the public and private sectors.

At the first hearing of the child care initiative in Washington, a prominent researcher told the committee that little or no national data exists to tell us how and where our children are cared for. This makes it increasingly difficult to plan for new services or establish new child care policies. In addition to linking families with child care services, the Child Care Resources and Referral Act will fill some of the gap

by documenting at the local level the availability of and the demand for child care services.

At our first field hearing in Dallas, we learned that a barrier to expanded public/private partnerships in child care is a lack of awareness of need. A child care resource and referral network, which documents the need for additional child care services, is a vital first step for greater involvement by the private sector. This legislation, by establishing a data base, would provide an incentive for expansion of the limited supply of child care services.

The select committee learned about successful child care resource and referral services that not only link families and child care services, but also streamline communication and cooperation between the public and private sectors. City and State governments have established resource and referral services with the intent of promoting such efforts. But these efforts are too few and far between.

This is one low-cost Federal initiative that can maximize efficient use of the limited child care facilities that exist, while indirectly encouraging public and private sector approaches. Support and expansion of child care resource and referral is one important way we can begin to solve the national child care dilemma.

I urge my colleagues to join in support of its passage. ●

● Mr. BROWN of California. Mr. Speaker, I rise in support of the Education and Labor Committee's authorization of several important education and social service programs. I commend my colleagues for their work on this legislation, which authorizes Head Start, Follow Through, child care information and referral services, the community services block grant, and the Native American Programs Act. While I endorse all these programs, I must express my special support for provisions which reauthorize and strengthen Head Start.

Head Start is one of the most widely recognized Federal programs for children. Head Start teachers and administrators emphasize direct parental involvement, strong community support, and deep commitment to helping families meet all their needs, whether through Head Start or other community agencies. According to the Children's Defense Fund, "Hundreds of studies conducted on Head Start since 1970 indicate that compared to other low-income children, Head Start children score better on standardized tests; achieve more in school and are less likely to fail a grade, drop out, or require special education classes; and are more likely to receive adequate medical care and to be of normal height and weight, with fewer absences from school due to illness and better performance on physical tests."

Mr. Speaker, with this kind of record, I think Head Start well deserves the 5-percent increase allowed in this legislation. Although some of us may prefer to have more time for debate and more flexibility for amendment, I urge support of this bill. Our Nation's children and families in poverty are depending on us. ●

● Mr. MORRISON of Connecticut. Mr. Speaker, today we will be voting on an important bill, H.R. 5145, legislation which will affect over a half million children and continue our commitment to nearly 35 million poor people in this country. It is difficult for me to believe that the majority of my colleagues do not support Head Start, Follow Through and other important programs we are considering today. However, concern over the procedures under which this bill is being considered have dominated the debate and potentially threaten the smooth continuation of these vital programs.

My colleagues should know that passage of H.R. 5145 under suspension of the rules is not only correct but it makes good sense. Every effort was made to insure that H.R. 5145 meets the test for consideration under suspension of the rules. The bill is not a budget buster as some would claim, but sets reasonable limits consistent with the budget which will be subject to further checks on spending through the appropriations process. Waivers to the House caucus rules were sought and granted permitting us to consider this bill even though it exceeds the \$100 million limit. And finally, the programs contained in this bill are not controversial and raise no issues of substantive concern. Mr. Speaker, there are only 50 legislative days remaining in this session and those days will be taken up by bills of certain disagreement and lengthy debate. The programs contained in H.R. 5145 deserve our support and should not be caught in the tangle of parliamentary rhetoric.

Mr. Speaker, I would also like to take this opportunity to give recognition to a special program in my own district, the New Haven Follow Through program. This program serves over 800 children in the inner city of New Haven and is a model educational program throughout the country. The program uses a multidimensional learning approach involving children and their parents in the educational process. A unique project, New Haven's Follow Through uses social studies, emphasizing the child's environment and the people in it, as the framework for the curriculum.

Parents are actively involved in their children's school life in a variety of ways. They are volunteers in the classroom, take an active voice in the schools as members of the policy advisory committee, and participate in activities that develop their own inter-

ests. Longitudinal studies have demonstrated the program's success showing that students participating in the Follow Through program score significantly higher in reading and math than non-Follow Through children. Most importantly, the gains made by Follow Through children are sustained throughout their educational experience. Mr. Speaker, I believe that the New Haven Follow Through program is a success story and exemplifies the goals of the national program. It has been recognized as a model demonstration project and approved by the U.S. Department of Education's Joint Dissemination and Review Panel for replication in other school districts. Requests for information about the New Haven program come from as far away as Texas and Colorado, they host over 30 separate visits from educators each year, and the New Haven model has been adopted by over 15 school districts in the States of Connecticut and Massachusetts.

Mr. Speaker, I believe that the New Haven Follow Through program typifies the quality and success of other programs which depend upon the legislation we are considering today. During a time when this Congress has expressed strong concern for excellence in education and making wise investments in this Nation's future, we must move quickly to support these programs and protect their continued work. I urge my colleagues to join with me in supporting the suspension of the rules and to favorably pass H.R. 5145 today. ●

● Mr. BIAGGI. Mr. Speaker, I rise in strong support of H.R. 5145, the community services amendments of 1984 which extend the Head Start, Follow Through, and community services block grant program for an additional 5 years.

Mr. Speaker, there are few, if any programs besides these that are charged with the specific mandate to alleviate the problems posed by poverty in a significant fashion. The Head Start program—an experimental program begun during the 1960's as part of President Lyndon Johnson's "War on Poverty"—has grown into a successful national educational program of early intervention for the disadvantaged that has yielded measurable results. By all accounts, Head Start received strong, bipartisan support in this House and deserves our continued support through passage of this legislation. This bill authorizes \$1.1 billion for the next fiscal year with modest yearly funding increases. Under this program, eligible children and their families will be able to continue to receive a floor of essential social and health services in addition to classroom instruction.

In addition to Head Start, H.R. 5145 also extends the equally as successful Follow Through program from \$22.2

million in fiscal year 1985 to \$27 million by fiscal year 1989. This program works to assure that the educational gains of children under Head Start are continued once these children enter public schools.

Finally, this legislation also reauthorizes the community services block grant which does not expire until next year. This block grant is but a mere skeleton on the programs formerly run through the Community Services Administration that was wiped out under the 1981 Budget Reconciliation Act. These programs also originated in the 1960's as part of our Nation's war against poverty and have been instrumental in supporting State and local initiatives aimed at promoting self-sufficiency to the poorest of our citizenry. Under H.R. 5145, the CSBG is authorized at \$409 million in fiscal year 1984, \$429 million in fiscal year 1985, \$451 million for fiscal year 1986, \$473.5 million for fiscal year 1987, \$497 million for fiscal year 1988, and \$522 million for fiscal year 1989. I believe these modest funding levels are essential if we are to be able to continue the work of the community services programs that have been working to eradicate poverty in this country for 20 years.

I am also pleased that this legislation incorporates a piece of the Women's Economic Equity Act by incorporating legislation introduced by our colleague BARBARA MIKULSKI, H.R. 2242, establishing a child care information and services referral system. If we are serious about providing economic equity for women, we must provide them with the tools in order to achieve this. Today, at least one-half of the women in the work force are mothers and many more need to work, yet lack the ability to locate adequate child care facilities. Under this program, grants are awarded in order to provide efficient utilization of existing child care services by creating models for centralized systems that would link families in need of these services with the appropriate providers. This program would also serve to document the availability of and demand for child care providers at the local level and improve existing systems by gathering data which reflects the need. I believe this is a small, but significant step in providing removal of another barrier which prevents mothers from entering the work force.

This legislation also extends authorization for our Native American programs which will continue to assist American Indians, Native Hawaiians, and Alaskan Natives in promoting and achieving economic self-sufficiency.

In sum, Mr. Speaker, as a cosponsor of this legislation and a strong advocate for these programs, I urge my colleagues to join with us in passing this important bill which will assure that our Nation's 36 million citizens now

living in poverty will continue to have a chance of being led from poverty into productivity and self-sufficiency. ●

● Mr. CONTE. Mr. Speaker, I rise in support of H.R. 5145. I am aware that many of my colleagues on this side of the aisle oppose the bill on the basis of the procedure that is being used to bring the bill to the floor today. The suspension procedure requires two-thirds vote for passage, and limits debate to 40 minutes with no amendments permitted.

I am sympathetic to the concerns of my colleagues over procedure. But there is one thing that makes me lean the other way. As ranking minority member of the Labor/HHS Appropriations Subcommittee, I can tell you that there is probably no subcommittee as respectful of authorizations as the Labor/HHS Subcommittee. If a program is not authorized, we will not consider funding levels for the program, but will, if necessary, defer consideration and allow the program to continue at current levels on a temporary basis in a continuing resolution.

Unless we hurry up and reauthorize an important program like Head Start, that is exactly what is going to happen. As one who has been an ardent supporter of the program, who has fought to preserve the integrity and the funding of the program, I would be most disappointed if that happened.

H.R. 5145 would allow for growth in the Head Start program, and would give the Appropriations Committee room to at least assure Head Start was continued at its current operating level, with enough of an increase at least to cover inflation. If the reauthorization is not passed, that will not be possible. The program will most likely be frozen at its current level, which means that the amount of services the program provides will be cut back.

I am proud of our record on Head Start. Appropriations were at \$735 million fiscal year 1980 and are at \$995 million in fiscal year 1984. Total enrollment has grown. We are reaching more of the children who can benefit from the program, and that seems to me to be a very worthwhile accomplishment.

So, simply in order to assure that an authorization has a chance of passing before we take up the appropriation for the program, I will support the bill.

I also support the reauthorization of the Community Services block grant, and support the continuation of the important role that the community action agencies fulfill in providing basic services to the poor in our communities.

Finally, I support the Child Care Information and Referral Services Act, legislation which would make the child care system already in place

much more efficient in meeting the child care needs of working families and their children. ●

● Mr. BEREUTER. Mr. Speaker, today I will reluctantly vote in favor of H.R. 5145, because it contains several programs that I strongly support. I want to set the record straight, however, and make clear my objections to the procedure used by the leadership to "ram" this bill through the House.

This Member is outraged by the endless abuse of the suspension procedure. The Suspension Calendar is clearly not meant to deal with major reauthorization, new discretionary programs, or highly controversial measures. Some colleagues on the other side of the aisle claim that we do not have enough legislative time left to schedule these important measures. Since they are Members of the majority and since the Speaker controls the schedule, I suggest that they can find the time. It is easy to believe that the reason these measures were grouped together and scheduled on the Suspension Calendar was for the benefit of the liberal challengers from the other party. Who, after all, it will be contended, would be heartless enough to vote against little children, single mothers struggling to provide for themselves and their families, or the efforts of the most forgotten American minority to become self-sufficient?

Certainly, no one can dispute the fact that Head Start is one of our most important and effective programs. Just 2 weeks ago, this Member wrote to the Department of Health and Human Services regarding some proposed administrative changes that I felt would be damaging to effective Head Start operations both at the agency level and in individual programs throughout the country. In addition, this Member was an early cosponsor of the legislation to reauthorize the Follow Through program and keep its status as a separate categorical grant program. I long ago recognized that Follow Through naturally builds on Head Start efforts, and provides valuable information to educators and administrators wishing to insure quality education programs for disadvantaged children.

Finally, this Member was an original cosponsor of the Native American Programs Act, reflecting an ongoing commitment to promoting the economic self-sufficiency of Indian people. The Administration for Native Americans regularly returns \$3 for every one Federal dollar to the economy. The value of their programs is clear to everyone.

Mr. Speaker and distinguished colleagues, this Member's support for these programs is obvious. I place a high priority on programs that make a difference in the lives of Americans who are fighting to educate their children or improve their economic positions. But such commitments and pri-

orities become increasingly difficult to uphold when they are brought to the floor on the Suspension Calendar.

It is time to bring this outrageous procedure, this flagrantly inappropriate use of the Suspension Calendar into the open. I submit that this shabby nondebate, nonamendment tactic is a direct setup for partisan reasons; the public interest is not being served and neither is the reputation of this House as a deliberative body. It is an absurdity to think that 40 minutes is sufficient to debate an omnibus measure which authorizes \$8.7 billion and is \$3.7 billion over the President's budget request. The fact that the measure authorizes a brandnew discretionary program virtually without debate, and reauthorizes another program 2 years ahead of time makes a mockery of the system that claims to develop laws based on legislative hearings, consensus, and a free and open debate. The American people deserve a more dignified treatment of their concerns, and this institution should have more self-respect. My reluctant vote in favor of this bill today is a vote affirming the merits of three programs that are important to the people this Member represents, and to this Member himself. But it is time to call a halt to the use of the suspension procedure in this way, and to restore integrity to the process.

I challenge my colleagues in the other party to speak out against this irresponsible trend. We can make our allegiances clear, our priorities known, and our differences perceivable without defiling the legitimate debate procedures of this Chamber any longer. Whether we have the will to do so remains to be seen. ●

Mr. PERKINS. Mr. Speaker, we only have one additional speaker on this side. We reserve the balance of his time because we want to close debate and we will let the minority go first.

Mr. PETRI. Mr. Speaker, we have no further speakers.

The SPEAKER pro tempore. Does the gentleman yield back the balance of his time?

Mr. PETRI. Yes, Mr. Speaker.

Mr. PERKINS. Mr. Speaker, I yield the balance of the time, 5 minutes, to our distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, the late Hubert Humphrey, former Vice President of the United States, once said that the moral test of Government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly, and those who are in the shadows of life, the sick, the needy, and the handicapped.

Well, this is a bill that deals with them. Interestingly, I have not heard any criticism of the programs encompassed in this bill by those who have

spoken against it today. It should be significant that they have not found anything that they can point to, to which they object in the legislation itself.

The gentleman from Wisconsin who just spoke said this Head Start program is a good program and, indeed, it is a good program. It is the method by which we have made it possible for hundreds of thousands of young Americans from disadvantaged homes, culturally deprived environments, to get an even footing with their fellow Americans. I do not know how anybody can find that objectionable.

As for the amount of money that is involved in the bill, yes, it is a 6-year reauthorization of existing programs. It is not as though we were creating new programs. All of us know what the programs are. We are extending them for a 6-year period and there are some \$8 billion worth of total authorizations involved. The amount of money authorized for the coming fiscal year is \$1,000,600,000.

Now, if we say that 40 minutes to debate a \$1,000,600,000 annual program is inadequate, by multiplication and extension we just have to say that we did not spend enough time in the last 2 weeks debating a \$167 billion proposal.

Now, the military expenditures which we authorized just last week did not consume 100 times the 40 minutes that we are devoting to this annual expenditure.

It has been argued that Members ought to have the opportunity to review this bill in order that they may offer specific amendments to it.

Now, I am advised that those amendments were offered in the committee and that they were rejected in the committee and that after those amendments had been rejected in the committee, the bill was reported unanimously on a voice vote. Democrats and Republicans both, a partisan unanimity, sent this bill to the floor.

It is those things to which we look when we decide whether to respond to a chairman's request that a bill be considered under suspension of the rules. We thought it relatively noncontroversial, and surely it should be noncontroversial.

Mr. ERLBORN. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. Well, I would yield to the gentleman, but I am responding to what the gentleman said and I did not ask him to yield to me when he was speaking.

Mr. ERLBORN. The gentleman says no then?

Mr. WRIGHT. Let me just say this to the gentleman. When it is said that this bill breaks the President's budget, I think the gentleman knows full well that there is no such thing as the President's budget. There is a Presidential budget request which is sent

annually to the Congress. The budget is that which is adopted by the Congress and I think the gentleman will agree, will he not, that these sums are fully included within the budget that was passed on April 5 by this House.

Now, they are in the budget that the House passed on April 5, are they not?

Mr. ERLBORN. Will the gentleman yield?

Mr. WRIGHT. Yes; for a response to the question.

Mr. ERLBORN. Yes; only for that?

Mr. WRIGHT. Well, the gentleman does not disagree, does he, that this is within the budget?

Mr. ERLBORN. I really wanted to comment on the gentleman saying that there was no controversy because the bill was reported out of our committee on a voice vote.

I would say first to the gentleman that yes, this is within the House passed budget. It is some as I recall \$3 billion over the President's budget request; but let me also say to the gentleman, there are procedures where the minority is asked if they agree to a bill being considered under suspension. That was asked in this case and the answer was no and I do not see how the gentleman can say that he was unaware that there was any controversy over the bill. It was reported on a voice vote. There was controversy in committee. Amendments were offered and defeated, but that does not mean we should deny to our colleagues on the floor the opportunity to consider those amendments.

Mr. WRIGHT. Well, I will reclaim my time and simply suggest that if there is that much controversy in this bill, it seems mighty strange to me that in the 20 minutes allotted to the opponents of the bill, they did not address themselves to any controversial feature of the bill, not one. They addressed themselves solely to the procedure.

The SPEAKER pro tempore. The time of the gentleman from Texas, the majority leader, has expired. All time, in fact, now has expired.

The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill, H.R. 5145, as amended.

The question was taken; and on a division (demanded by Mr. ERLBORN) there were—ayes 9, noes 10.

□ 1330

Mr. PERKINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CIVIL AERONAUTICS BOARD SUNSET ACT OF 1984

Mr. MINETA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5297) to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Aeronautics Board Sunset Act of 1984".

AMENDMENT OF FEDERAL AVIATION ACT OF 1958

SEC. 2. Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.).

TERMINATION AND TRANSFER OF FUNCTIONS UNDER THE FEDERAL AVIATION ACT OF 1958

SEC. 3. (a) Section 1601(b)(1)(C) is amended by striking out "Justice" and inserting in lieu thereof "Transportation".

(b) Section 1601(a)(3) is amended by inserting after "Act" the following: "(other than section 204)".

(c) Section 1601(a) is amended by adding at the end thereof the following:

"(4) The following provisions of this Act (to the extent such provisions relate to interstate and overseas air transportation) and the authority of the Board with respect to such provisions (to the same extent) shall cease to be in effect on January 1, 1985:

"(A) Sections 401(l) and (m) and 405(b), (c), and (d) of this Act (except insofar as such sections apply to the transportation of mail between two points both of which are within the State of Alaska).

"(B) Section 403 of this Act.

"(C) Section 404 of this Act (except insofar as such section requires air carriers to provide safe and adequate service).

"(5) The following provisions of this Act and the authority of the Board with respect to such provisions shall cease to be in effect on January 1, 1985:

"(A) Sections 407(b) and (c) of this Act.

"(B) Section 410 of this Act.

"(C) Section 417 of this Act.

"(D) Sections 1002(d), (e), (g), (h), and (i) of this Act (except insofar as any of such sections relate to foreign air transportation).

"(6) Sections 412(a) and (b) of this Act (to the extent such sections relate to interstate and overseas air transportation) and section 414 of this Act (to the extent such section relates to orders made under sections 412(a) and (b) with respect to interstate and overseas air transportation) and the authority of the Secretary of Transportation under such sections (to the same extent) shall cease to be in effect on January 1, 1989.

"(7) Sections 408 and 409 of this Act and section 414 of this Act (relating to such sec-

tions 408 and 409) and the authority of the Secretary of Transportation under such sections (to the same extent) shall cease to be in effect on January 1, 1989.

"(8) Sections 401(l) and (m) and 405(b), (c), and (d) of this Act (to the extent such sections apply to the transportation of mail between two points both of which are within the State of Alaska) shall cease to be in effect on January 1, 1989."

(d) Section 1601(b)(1)(D) is amended by inserting after "transportation" the following: "(other than for the carriage of mails between any two points both of which are within the State of Alaska)".

(e) Section 1601(b)(1) is amended by adding at the end thereof the following:

"(E) All authority of the Board under this Act which is not terminated under subsection (a) of this section on or before January 1, 1985, and is not otherwise transferred under this subsection is transferred to the Department of Transportation."

(f) Section 1601(b) is amended by adding at the end thereof the following:

"(3) The authority of the Secretary of Transportation under this Act with respect to the determination of the rates for the carriage of mails between any two points both of which are within the State of Alaska is transferred to the Postal Service and such authority shall be exercised through negotiations or competitive bidding. The transfer of authority under this paragraph shall take effect on January 1, 1989."

TRANSFERS OF FUNCTIONS UNDER OTHER LAWS

SEC. 4. (a) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers, and duties of the Civil Aeronautics Board under the following provisions of law:

(1) The International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b).

(2) The International Aviation Facilities Act (49 U.S.C. 1151-1160).

(3) The Animal Welfare Act (7 U.S.C. 2131 et seq.).

(4) Section 11 of the Clayton Act (15 U.S.C. 21).

(5) Sections 108(a)(4), 621(b)(5), 704(a)(5), and 814(b)(5) of the Consumer Credit Protection Act (15 U.S.C. 1607(a)(4), 1681s(b)(5), 1691c(a)(5), and 1692l(b)(5)).

(6) Section 382 of the Energy Policy and Conservation Act (89 Stat. 939, 42 U.S.C. 6362).

(7) Section 401 of the Federal Election Campaign Act of 1971 (2 U.S.C. 451).

(8) Section 5402 of title 39, United States Code (to the extent such section relates to foreign air transportation and to air transportation between any two points both of which are within the State of Alaska).

(9) Sections 4746 and 9746 of title 10, United States Code.

(10) Section 3 of the Act entitled "An Act to encourage travel in the United States, and for other purposes" (16 U.S.C. 18b).

(b) The transfer of any authority under subsection (a) of this section shall take effect on January 1, 1985.

(c) The authority of the Secretary of Transportation under section 5402 of title 39, United States Code, with respect to air transportation between any two points both of which are within the State of Alaska shall cease to be in effect on January 1, 1989.

COLLECTION OF DATA

SEC. 5. (a) Section 329(b)(1) of title 49, United States Code, is amended to read as follows:

"(1) collect and disseminate information on civil aeronautics (other than that collect-

ed and disseminated by the National Transportation Safety Board under title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441 et seq.)) including, at a minimum, information on (A) the origin and destination of passengers in interstate and overseas air transportation (as those terms are used in such Act), and (B) the number of passengers traveling by air between any two points in interstate and overseas air transportation; except that in no case shall the Secretary require an air carrier to provide information on the number of passengers or the amount of cargo on a specific flight if the flight and the flight number under which such flight operates are used solely for interstate or overseas air transportation and are not used for providing essential air transportation under section 419 of the Federal Aviation Act of 1958;"

(b) The amendment made by this section shall take effect on January 1, 1985.

REPORTS

SEC. 6. (a) The Secretary of Transportation shall submit a report to the appropriate committees of Congress not later than July 1, 1987, listing (1) transactions submitted to the Secretary for approval under section 408 of the Federal Aviation Act of 1958, (2) interlocking relations submitted to the Secretary for approval under section 409 of such Act, and (3) the types of agreements filed with the Secretary of Transportation under section 412 of such Act, and, with respect to such transactions, interlocking relationships, and agreements, those that have been exempted from the operation of the antitrust laws under section 414 of such Act. The Secretary shall recommend whether the authority under such sections 408, 409, 412, and 414 should be retained or repealed with respect to interstate and overseas air transportation and with respect to foreign air transportation.

(b) The Secretary of Transportation and the Postmaster General shall each submit a report to the appropriate committees of Congress not later than July 1, 1987, describing how the Secretary and the Postmaster General have administered their respective authorities to establish rates for the air transportation of mail and setting forth the recommendations of the Secretary and the Postmaster General as to whether the authority to establish rates for the transportation of mail between points within the State of Alaska should continue to be carried out by the Secretary by regulatory ratemaking or by the Postal Service through negotiations or competitive bidding.

INCORPORATION BY REFERENCE

SEC. 7. (a) Section 411 of the Federal Aviation Act of 1958 is amended by inserting "(a)" after "SEC. 411." and by adding at the end thereof the following new subsection:

"INCORPORATION BY REFERENCE"

"(b) Any air carrier may incorporate by reference in any ticket or other written instrument any of the terms of the contract of carriage in interstate and overseas air transportation, in accordance with regulations issued by the Board establishing uniform notice requirements concerning such incorporation by reference."

(b) Section 411 of the Federal Aviation Act of 1958 is amended by inserting before subsection (a) (as designated by subsection (a) of this section) the following subsection heading:

"INVESTIGATIONS"

(c) That portion of the table of contents contained in the first section of the Federal

Aviation Act of 1958 which appears under the center heading

"TITLE IV—AIR CARRIER ECONOMIC REGULATION"

is amended by striking out

"Sec. 411. Methods of competition."

and inserting in lieu thereof

"Sec. 411. Methods of competition.

"(a) Investigations.

"(b) Incorporation by reference."

REFERENCES TO CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SEC. 8. Any reference in any law to a certificate of public convenience and necessity, or to a certificate of convenience and necessity, issued by the Civil Aeronautics Board shall be deemed to refer to a certificate issued under section 401 or 418 of the Federal Aviation Act of 1958.

MISCELLANEOUS AMENDMENTS

SEC. 9. (a)(1) Section 101(11) is amended to read as follows:

"(11) 'All-cargo air service' means the carriage by aircraft in interstate or overseas air transportation of only property or mail, or both."

(2) Section 418(b)(3) is repealed.

(b) Section 1307(a) is amended by striking out ", after consultation with the Civil Aeronautics Board,"

(c) Section 11 of the International Aviation Facilities Act (49 U.S.C. 1159a) is amended in the second sentence by striking out "and the Civil Aeronautics Board" and by striking out "in collaboration with the Civil Aeronautics Board" and inserting in lieu thereof "in collaboration with the Secretary of Transportation".

(d) Section 2 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b) is amended by—

(1) striking out "the Civil Aeronautics Board," in subsection (a);

(2) striking out "Civil Aeronautics Board" and "Board" each time they appear in subsection (b) and the first sentence of subsection (d) and inserting in lieu thereof "Secretary of Transportation" and "Secretary", respectively;

(3) striking out "and the Department of Transportation" in subsection (b)(2); and

(4) striking out the last sentence in subsection (d) and inserting in lieu thereof the following: "The Secretaries of State and Treasury shall furnish to the Secretary of Transportation such information as may be necessary to prepare the report required by this subsection."

(e) Section 5314 of title 5, United States Code, is amended by striking out "Chairman, Civil Aeronautics Board." Section 5315 of title 5, United States Code, is amended by striking out "Members, Civil Aeronautics Board."

(f) Section 3726(b)(1) of title 31, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation with respect to foreign air transportation (as defined in the Federal Aviation Act of 1958)".

(g)(1) Sections 3401(b) and (c) of title 39, United States Code, are each amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(2) Section 5005(b)(3) of title 39, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in

lieu thereof "Secretary of Transportation if for the carriage of mail in foreign air transportation (as defined in section 101 of the Federal Aviation Act of 1958)".

(3) Section 5401(b) of title 39, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(4) Section 5402 of title 39, United States Code, is amended—

(A) by striking out "Civil Aeronautics Board" each place it appears and inserting in lieu thereof "Secretary of Transportation";

(B) in the first sentence of subsection (a), by inserting "in foreign air transportation" after "points";

(C) in the second sentence of subsection (a), by striking out "10 percent of the domestic mail transported under any such contract or";

(D) in the first sentence of subsection (b), by inserting "in foreign air transportation" after "points";

(E) in the first sentence of subsection (c), by inserting "in foreign air transportation" after "points"; and

(F) by adding at the end thereof the following new subsections:

"(d) The Postal Service may contract with any air carrier for the transportation of mail by aircraft in interstate and overseas air transportation either through negotiations or competitive bidding.

"(e) For purposes of this section, the terms 'air carrier', 'interstate air transportation', 'overseas air transportation', and 'foreign air transportation' have the meanings given such terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

"(f) During the period beginning January 1, 1985, and ending January 1, 1989, the authority of the Secretary of Transportation under subsections (a), (b), and (c) of this section shall also apply, and the authority of the Postal Service under subsection (d) shall not apply, to the transportation of mail by aircraft between any two points both of which are within the State of Alaska and between which the air carrier is authorized by the Secretary to engage in the transportation of mail. Not more than 10 percent of the domestic mail transported under any contract entered into under subsection (a) pursuant to such authority shall consist of letter mail."

(h) Section 3502(10) of title 44, United States Code, is amended by striking out "the Civil Aeronautics Board."

(i) Section 15(a) of the Animal Welfare Act (7 U.S.C. 2145(a)) is amended by striking out "the Civil Aeronautics Board" and inserting in lieu thereof "the Secretary of Transportation".

(j) Section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)) is amended by striking out "the Civil Aeronautics Board".

(k) Sections 4746 and 9746 of title 10, United States Code, are each amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(l) Section 7 of the Clayton Act (15 U.S.C. 18) is amended in the final paragraph by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" and by striking out "Commission, Secretary, or Board" and inserting in lieu thereof "Commission or Secretary".

(m) Section 11 of the Clayton Act (15 U.S.C. 21) is amended—

(1) in subsection (a), by striking out "Civil Aeronautics Board" and inserting in lieu

thereof "Secretary of Transportation" and by striking out "Civil Aeronautics Act of 1938" and inserting in lieu thereof "Federal Aviation Act of 1958";

(2) in subsection (b), by striking out "Commission or Board" each place it appears and inserting in lieu thereof "Commission, Board, or Secretary"; and

(3) by striking out "commission or board" each place it appears in such section and inserting in lieu thereof "commission, board, or Secretary".

(n) The Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" each place it appears in section 108(a)(4) (15 U.S.C. 1607(a)(4)), section 621(b)(5) (15 U.S.C. 1681s(b)(5)), section 704(a)(5) (15 U.S.C. 1691c(a)(5)), and section 814(b)(5) (15 U.S.C. 1692l(b)(5)).

(o) Section 3 of the Act entitled "An Act to encourage travel in the United States, and for other purposes" (16 U.S.C. 18b; 54 Stat. 773), is amended by striking out "the Civil Aeronautics Authority".

(p) Section 47(a)(7)(C) of the Internal Revenue Code of 1954 is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(q) Section 7701(a)(33)(E) of the Internal Revenue Code of 1954 is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(r) Section 419(c)(1) is amended by striking out "416(b)(3)" and inserting in lieu thereof "416(b)(4)".

(s) Section 412(c)(2) is amended by striking out "subsection (c) of this section" and inserting in lieu thereof "subsection (a) of this section".

(t) Section 407(e) is amended by striking out the first sentence and inserting in lieu thereof the following: "The Board shall have access to all lands, buildings, and equipment of any air carrier or foreign air carrier when necessary for a determination under section 401, 402, 418, or 419 of this title that such carrier is fit, willing, and able. The Board shall at all times have access to all accounts, records, and memorandums, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by air carriers, foreign air carriers, or ticket agents. The Board may employ special agents or auditors, who shall have authority under the orders of the Board to inspect and examine lands, buildings, equipment, accounts, records, and memorandums to which the Board has access under this subsection."

(u) Section 105(a)(1) is amended by striking out "interstate air transportation" and inserting in lieu thereof "air transportation".

(v) The amendments made by this section shall take effect on January 1, 1985.

TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL

SEC. 10. (a) The personnel (including members of the Senior Executive Service) employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with, any function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, subject to section 1531 of title 31, United States Code, shall be transferred to the head of the agency to

which such function is transferred for appropriate allocation. Personnel employed in connection with functions so transferred shall be transferred in accordance with any applicable laws and regulations relating to transfer of functions. Unexpended funds transferred pursuant to this subsection shall only be used for the purpose for which the funds were originally authorized and appropriated.

(b) In order to facilitate the transfers made by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act, the Director of the Office of Management and Budget is authorized and directed, in consultation with the Civil Aeronautics Board and the heads of the agencies to which functions are so transferred, to make such determinations as may be necessary with regard to the functions so transferred, and to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with, such functions, as may be necessary to resolve disputes between the Civil Aeronautics Board and the agencies to which functions are transferred by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act.

(c) The Chairman of the Civil Aeronautics Board and the Secretary of Transportation shall, beginning as soon as practicable after the date of enactment of this Act, jointly plan for the orderly transfer of functions and personnel pursuant to section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act.

EFFECT ON PERSONNEL

SEC. 11. (a) Employees covered by the merit pay system under chapter 54 of title 5, United States Code, who are transferred under section 10 of this Act to another agency shall have their rate of basic pay adjusted in accordance with section 5402 of such title. With respect to the evaluation period during which such an employee is transferred, merit pay determinations for that employee shall be based on the factors in section 5402(b)(2) of such title as appraised in performance appraisals administered by the Civil Aeronautics Board in accordance with chapter 43 of title 5, United States Code, in addition to those administered by the agency to which the employee is transferred.

(b) With the consent of the Civil Aeronautics Board, the head of each agency to which functions are transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act is authorized to use the services of such officers, employees, and other personnel of the Board for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

SAVINGS PROVISIONS

SEC. 12. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any agency or official thereof, or by a court of competent jurisdiction, in the performance of any function which is transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act from the Civil Aeronautics Board to another agency, and

(2) which are in effect on December 31, 1984,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the head of the agency to which such function is transferred, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b) The transfers of functions made by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending at the time such transfers take effect before the Civil Aeronautics Board; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if such sections 1601(b) and 4 had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if such sections 1601(b) and 4 had not been enacted.

(c) Except as provided in subsection (e)—
(1) the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act shall not affect any suit relating to such function which is commenced prior to the date the transfer takes effect, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Civil Aeronautics Board shall abate by reason of the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act. No cause of action by or against the Civil Aeronautics Board, or by or against any officer thereof in his official capacity shall abate by reason of the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act.

(e) If, before January 1, 1985, the Civil Aeronautics Board, or officer thereof in his official capacity, is a party to a suit relating to a function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, then such suit shall be continued with the head of the Federal agency to which the function is transferred.

(f) With respect to any function transferred to another agency by section 1601(b) of the Federal Aviation Act of 1958 or by section 4 of this Act and exercised after the effective date of such transfer, reference in any Federal law (other than title XVI of the Federal Aviation Act of 1958) to the Civil Aeronautics Board or the Board (insofar as such term refers to the Civil Aeronautics Board), or to any officer or office of the Civil Aeronautics Board, shall be deemed to refer to that agency, or other official or component of the agency, in which such function vests.

(g) In the exercise of any function transferred under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act,

the head of the agency to which such function is transferred shall have the same authority as that vested in the Civil Aeronautics Board with respect to such function, immediately preceding its transfer, and actions of the head of such agency in exercising such function shall have the same force and effect as when exercised by the Civil Aeronautics Board.

(h) In exercising any function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, the head of the agency to which such function is transferred shall give full consideration to the need for operational continuity of the function transferred.

DEFINITIONS

SEC. 13. For purposes of this Act—

(1) the term "agency" has the same meaning such term has in section 551(1) of title 5, United States Code; and

(2) the term "function" means a function, power, or duty.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. MINETA) will be recognized for 20 minutes and the gentleman from Minnesota (Mr. STANGELAND) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. MINETA).

Mr. MINETA. Mr. Speaker, I yield such time as he may consume to our very distinguished chairman of the full Committee on Public Works and Transportation, the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 5297, the Civil Aeronautics Board Sunset Act of 1984. Enactment of this bill will bring significant benefits to the traveling and shipping public and the air carrier industry.

First, this bill will insure that consumers will continue to receive protection after January 1, 1985 in such areas as overbooking, denied boarding compensation, baggage liability, smoking, access for the handicapped, and charters. Without this bill some of these consumer protections will lapse, while others would be the subject of jurisdictional ambiguities which could render them totally ineffective.

Second, under this bill the Government will continue to have responsibility of determining that a new airline is fit before it inaugurates service. This will be an important protection for the traveling public and the industry since it will screen out persons who would be unscrupulous enough to not provide safe service, or who would not be financially capable of delivering the transportation they were offering the public.

Third, the bill shifts the power to grant antitrust immunity to airline industry agreements to the Department of Transportation. Under current law, the Department of Justice would receive this authority. DOT is better suited for this authority since they are more likely to take account of the

transportation benefits of an agreement rather than focus strictly on antitrust implications. This change in the law, in my opinion, will make it possible for many of the agreements that facilitate the flow of passengers and baggage within the airline system to continue.

Finally, Mr. Speaker, this legislation has been the subject of thorough hearings at which we received testimony from all segments of the airline industry and the traveling public. There is near universal agreement that this legislation is necessary and desirable. I urge the House to adopt this measure.

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, under existing law the Civil Aeronautics Board has already lost many of its regulatory authorities, it has shrunk to roughly half of its former size, and it is scheduled to go out of existence altogether on January 1, 1985. Most of its remaining authorities, having to do with such matters as international aviation and the essential air service program, will continue at other agencies, mainly at the Department of Transportation.

The Aviation Subcommittee has reviewed this situation in a series of hearings beginning in May 1983 and concluding in March of this year. We believe that for the most part existing law should continue to govern the sunset of the CAB. There are several areas, however, where we believe the absence of further legislation would abruptly deprive consumers of protection they now enjoy and expect.

Under existing law—primarily sections 404 and 411 of the Federal Aviation Act—there are regulations providing rules of the road to protect consumers and to guide carriers in their behavior. These include regulations regarding deceptive or unfair competitive practices, overbooking and denied boarding compensation, limitations on liability for lost or damaged baggage, protections governing the advance sale of charters, smoking, discrimination against the handicapped, and notice to passengers of terms and conditions in the contract of carriage. In our hearings we found that, unless we legislatively preserved the underlying authorities in sections 404 and 411, consumers would find themselves on January 1 abruptly without any of these regulations and without any agency they could turn to which had any regulatory or enforcement powers over these issues.

It was certainly clear to me, and I think to the other members of the committee, that the consumer would be in an untenable situation on January 1. I do not believe the consumer of airline services today considers himself or herself as coddled or overly protected by regulations. The regulatory pro-

tections consumers have today are fairly minimal. Yet on January 1 they would have none, and I do not believe they would be very happy about that.

This bill therefore explicitly retains the existing consumer protection authorities in sections 404 and 411 and transfers those authorities and the existing regulations to the Department of Transportation when the CAB sunsets.

We also found that the Board's existing authority under section 401 of the Federal Aviation Act to determine the fitness of carriers is an indispensable part of the Government's ability to protect the traveling public from unscrupulous or incompetent persons who might hold themselves out to the public as air carriers. CAB fitness determinations have traditionally looked into the carrier's general managerial competence, financial capability, and the past record of management with regard to compliance with laws and regulations. These CAB fitness determinations have provided the traveling public with an added protection from operators who might offer to sell a service they could not and would not actually provide, and has been used to keep elements of organized crime out of the airline industry.

We see no reason why that existing protection should be scrapped. Yet our hearings clearly established that without further legislation, these fitness determinations would cease. This bill therefore preserves the existing authority to make fitness determinations and transfers that authority to the Department of Transportation.

In sum, this legislation is designed to make the sunset of the CAB smooth and trouble free for the traveling public and for the airlines, and CAB sunset will be far smoother with this bill than without it.

The bill is a bipartisan product of our committee. A great many Members on both sides of the aisle played a part in its formulation, but I would like to mention in particular my colleague from Arkansas (Mr. HAMMERSCHMIDT), who was particularly instrumental in putting this bill together and who is, as the ranking minority member of the Veterans' Committee, at the D-day commemoration in Normandy today.

I also want to acknowledge that my colleague from New Jersey (Mr. FLORIO) has addressed this problem in similar legislation of his own. There are some differences in the two bills but their basic purpose is the same: to insure continued consumer protection after the sunset of the CAB. As a leader in the effort to insure that continued protection, he very graciously writes to me that he is pleased that H.R. 5297 is moving ahead and he hopes it will receive the prompt approval of the House. Mr. FLORIO's letter follows:

SUBCOMMITTEE ON COMMERCE,
TRANSPORTATION, AND TOURISM,
Washington, D.C., June 5, 1984.

HON. NORMAN Y. MINETA,
Rayburn House Office Building,
Washington, D.C.

DEAR NORMAN: I understand that your bill, H.R. 5297, amending the Federal Aviation Act, will soon be considered on the floor of the House. H.R. 5297 terminates certain functions of the Civil Aeronautics Board and transfers other CAB responsibilities to the Department of Transportation. Among those functions transferred to DOT would be the responsibility for consumer protection, including protection in such areas as smoking, bumping, discrimination against the handicapped, and baggage handling.

I am writing to say that I am pleased that there is now a prospect for early passage of your bill with authority to continue these consumer protection safeguards. As you know, with the expiration of statutory authority for the CAB at the end of this year, the authority for existing CAB rules protecting consumers would expire. These protections are very important to the traveling public and it is imperative that they be preserved. While I have introduced my own bill, which takes a different procedural approach to this issue, the most important objective is to ensure continued consumer protection in the airline industry.

I commend you for successfully bringing this important measure to the floor and I hope that H.R. 5297 will receive the prompt approval of the House.

Sincerely,

JAMES J. FLORIO,
Chairman, Subcommittee on
Commerce, Transportation, and Tourism.

Mr. Speaker, I strongly urge the adoption of this legislation.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MINETA. I am very pleased to yield to our very distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. I thank the gentleman for yielding.

I would like to be sure that I understand the effect of this bill on air service to Love Field in Texas.

In the Aviation Safety and Noise Abatement Act of 1979 we included a provision to insure a fair and equitable settlement of the dispute over air service that had raged for many years in the Dallas/Fort Worth area, and the compromise in the 1979 act provided that only very limited and specifically described interstate air service will be allowed in and out of Love Field, and that all other interstate service would be provided out of the Dallas/Fort Worth Regional Airport.

I would like the gentleman's assurance that the pending will does not affect these provisions in the 1979 Aviation Safety and Noise Abatement Act, and that under your bill the authorizations and prohibitions on air service out of Love Field will continue to apply after the CAB sunset.

Mr. MINETA. Mr. Speaker, I can assure the very distinguished gentleman from Texas that the reported bill does not interfere with the Love Field

provision in the 1979 act and in fact the reported bill will help insure that the 1979 provisions continue to be in force.

The provision in the 1979 act prohibits the Civil Aeronautics Board and the Secretary of Transportation from issuing any certificate or other authority authorizing interstate service at Love Field, with the exception of service specifically mentioned by that provision.

□ 1340

The bill now before us continues to provide for the issuance of certificates for interstate air service and this will help enforce the 1979 provision. The pending bill continues the requirement in section 401 of the Federal Aviation Act that an air carrier must obtain a certificate of fitness before it provides interstate air transportation, and it provides that the Department of Transportation will issue those section 401 certificates after sunset of the Civil Aeronautics Board. When it issues these certificates, the Department will be bound by all the existing requirements of the Love Field provision in the 1979 act.

Mr. WRIGHT. Mr. Speaker, I thank the gentleman for that clarification.

Mr. MINETA. Mr. Speaker, I am more than pleased to yield such time as he may consume to our very distinguished colleague, the gentleman from Michigan (Mr. STANGELAND).

Mr. STANGELAND. I would like to associate myself with the comments just made by the chairman of the Aviation Subcommittee, Mr. MINETA, and also assure my good friend and colleague, the distinguished majority leader, the minority of the Public Works Committee is in full accord with the proposition that that adoption of H.R. 5294 will insure that the Love Field provision will continue in full force and effect.

I thank the gentleman for yielding.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. STANGELAND) for 20 minutes.

Mr. STANGELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also ask unanimous consent that immediately following my statement in the RECORD, a statement by the distinguished ranking member of the full Public Works Committee, Mr. SNYDER, and a statement by the distinguished ranking member of the Aviation Subcommittee, Mr. HAMMERSCHMIDT, be made a part of the RECORD.

The SPEAKER pro tempore. The Chair will inform the gentleman that will be covered under general leave for all Members at a later time.

Mr. STANGELAND. Mr. Speaker, I rise in support of H.R. 5297, the Civil

Aeronautics Board Sunset Act of 1984, and urge this body to adopt this important measure.

As my colleagues are aware, the Airline Deregulation Act of 1978 (ADA) set a timetable for the deregulation of the domestic airline industry. The Civil Aeronautics Board's authority to regulate domestic pricing and entry was gradually eliminated and today airlines have the freedom to charge what they want and fly wherever they want within the United States.

The ADA also provided that at the end of 1984, the CAB would sunset and those functions which were going to be retained would be transferred to other agencies. Although the Deregulation Act specified where most of the Board's functions would be transferred, some issues were not specifically addressed. For this reason, our committee felt it was particularly important to assure that those functions continuing after sunset would be explicitly transferred by statute, rather than left to the litigators and the courts to decide.

Mr. Speaker, the legislation we are considering today can best be characterized as a consumer protection bill, primarily because it would assure that those CAB regulations which have been adopted through the years to protect air travelers will continue after the Board sunsets. These regulations, as well as the general statutory authority to promulgate them, would be transferred to the Department of Transportation (DOT).

Examples of consumer-oriented regulations which the CAB has adopted, and which would transfer to DOT under the provisions of H.R. 5297, include those dealing with denied boarding compensation (commonly referred to as bumping), liability for lost or damaged baggage, protections for charter passengers, and upcoming rules relating to airline computer reservations systems.

I believe that DOT is the most logical place to transfer this authority—not only because of its expertise in air transportation matters, but also because existing law already provides that these same consumer functions will transfer to DOT for the small community air service and international aviation programs. Therefore, it certainly makes sense to lodge all of the CAB's existing consumer functions in one place at DOT. This will assure a coordinated approach to solving any problems which may arise and I believe air travelers would be well served by having DOT administer these important responsibilities.

Another of the bill's provisions would transfer to DOT CAB's existing authority to determine the fitness of domestic air carriers. As in the case with consumer protection, existing law already provides that this function

will transfer to DOT for the small community air service and international aviation functions, and it is also sound policy to require DOT to conduct this inquiry for other air carriers involved in domestic air transportation as well.

In the exercise of its responsibilities to determine a carrier's fitness, the CAB examines applications submitted by individuals seeking to form an airline. The Board looks at issues involving a carrier's managerial ability, its financial condition, and its ability to comply with the various rules and regulations affecting its operations. Carriers who successfully meet the qualifications are issued certificates under section 401 of the Federal Aviation Act.

I believe this fitness function is extremely important—and probably even more so in today's deregulated environment than ever before. While there is nothing we can do to guarantee that existing carriers will not experience financial or other difficulties after they have been around a while, I think it is incumbent upon the Federal Government to do all it can to make sure that those seeking to start an airline possess at least a minimum level of financial fitness and managerial ability.

The bill accomplishes some other important objectives which should also be specifically mentioned. The CAB's authority over mergers, acquisitions, interlocking relationships, and agreements would also be transferred to the DOT, as well as the authority to grant antitrust immunity to these transactions in appropriate cases. However, the authority to grant antitrust immunity would expire on January 1, 1989—except for cases involving agreements affecting domestic air transportation—unless Congress believed, after evaluating a DOT report on the issue, that the public interest required DOT to retain this authority beyond that time.

H.R. 5297 would also assure that DOT would continue to collect airline traffic data, which is particularly useful to local airport operators and community planners, while assuring that all airlines required to provide this information will be treated in the same manner, regardless of their size.

Mr. Speaker, H.R. 5297 is an important piece of legislation and one which I believe is worthy of my colleagues support. Without it, airline passengers run the risk of losing many of the protections which the Board has enacted over the years to assure that they are fairly treated. Therefore, H.R. 5297 preserves this important authority, as well as the procompetitive policies embodied in the Airline Deregulation Act of 1978.

For the foregoing reasons, I urge my colleagues to support H.R. 5297.

Mr. MINETA. Mr. Speaker, I yield such time as he may consume to our colleague, the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Speaker, I rise in reluctant support of H.R. 5297. Reluctant, because I know that a clarification of the responsibilities to be divided among Federal agencies after the sunset of the Civil Aeronautics Board is necessary, yet increasingly concerned about whether those responsibilities, even after they have been clarified, will be met.

I have been and continue to be one who believes in airline deregulation. Contrary to the commonly held view, I believe that it will benefit all parts of our country, including even rural States like my own. In fact, in most parts of South Dakota, airline service is now better than it has been. There are more flights coming into and leaving our communities than ever before. In our larger cities, there are more airlines providing service. And in many others, commuter airlines have been a pleasant surprise.

But while this increased activity has been healthy, the Airline Deregulation Act was a misnomer if anyone suspected that it would end all regulation of this important industry. Continued regulation of certain aspects of the airline business has been and will continue to be immensely important to the public interest. Consumer protection, carrier fitness, airline acquisitions, interlocking arrangements, and foreign air travel matters will always be areas of responsibility to be held in large part by the Federal Government.

The sunset of the CAB has become symbolic of the deregulation scenario. If we abolish the regulations, it follows that we abolish the agency. But the symbolism overlooks the facts and the substance. The facts are that there will continue to be Government involvement. The facts are that there will continue to be a public interest in many of the regulatory matters pertaining to the airline industry. The facts are certain governmental agencies must continue to shoulder these responsibilities.

If these are the facts, we must then ask if those responsibilities are better carried out split among several large Federal departments including Justice and Transportation where they will become mere parts in a myriad of potentially overriding concerns of the day; or whether the continued role of the Federal Government in airline related matters can best be served by a single, small, nonpolitical agency responsive only to matters pertaining to this industry.

That question cannot be resolved here. The Congress has already provided its judgment. But this is an appropriate time to call attention to the need from time to time to reconsider

that judgment. Perhaps there is no better time for us to put those agencies on notice that we will be watching, we will be waiting, and we will be ready to make whatever changes to see that the appropriate responsibilities of the Federal Government will be fully carried out.

Mr. Speaker, I thank the gentleman for yielding this time to me.

● Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to place in the RECORD my views in support of H.R. 5297, the Civil Aeronautics Board Sunset Act of 1984.

This legislation would assure the orderly phaseout of the Civil Aeronautics Board (CAB), which is now scheduled to go out of existence at the end of this year in accordance with provisions of the Airline Deregulation Act of 1978 (ADA). I believe that, if adopted, H.R. 5297 will assure that any problems associated with CAB's sunset will be minimized and that the transfer of some of the Board's current functions will be accomplished without any adverse effects on the traveling public.

As my colleagues are aware, the ADA provided for the transfer of many of the CAB's functions on January 1, 1985. Among these responsibilities are the administration of international aviation functions and the small community air service program, both of which are scheduled to transfer to the Department of Transportation.

However, the deregulation act did not specifically provide for the transfer of certain other CAB functions relating to domestic air transportation, such as jurisdiction over consumer protection, competitive practices, and fitness of air carriers.

Because I believe that the traveling public must continue to receive the same level of protection that it has come to rely upon over the years, H.R. 5297 assures that these important responsibilities will not be eliminated. In addition, it also consolidates within DOT virtually all of the transferring CAB functions, thus avoiding the confusion and inefficiencies which would undoubtedly occur if these responsibilities were dispersed among different Federal agencies.

First, the bill would transfer the CAB's existing authority to regulate unfair and deceptive practices and unfair methods of competition to the Department of Transportation (DOT).

This authority, continued in section 411 of the Federal Aviation Act, has been used by the CAB to adopt consumer protection regulations on denied boarding compensation, baggage liability, notice to passengers about the terms of carriage and protections for charter passengers. In addition, the CAB has recently issued rulemaking proposals relating to airline computer reservations systems used by travel agents, and final rules

are expected to be adopted in the near future.

The legislation also transfers CAB's existing authority in section 404(a) of the Federal Aviation Act to the DOT. This section provides the authority to regulate in other consumer-related areas and is the basis upon which the Board has issued regulations dealing with smoking aboard aircraft and transportation of handicapped passengers.

Second, the bill would transfer CAB's authority to determine a carrier's fitness to the DOT. Although the domestic fitness function was not specifically transferred by the Airline Deregulation Act, I believe it is important that the thorough inquiry now conducted by the CAB be continued after sunset. With the entry of many new airlines into the system, it is extremely important that we assure the traveling public that carriers will be adequately prepared to undertake their responsibilities. Accordingly, the legislation would require DOT to perform this function and to continue issuing separate certificates under section 401 of the act.

Third, the bill transfers to DOT the CAB's authority to approve mergers, interlocks and agreements, as well as the authority to grant antitrust immunity to these transactions in appropriate cases.

I believe DOT's expertise in air transportation makes it particularly well equipped to exercise this authority. For example, sections 408 and 412 specifically require that, in determining whether certain mergers or intercarrier agreements should be approved, the transportation benefits which would be provided must be balanced against the possible anticompetitive effects involved. Because I believe that DOT would be in the best position to evaluate these often competing considerations, the bill transfers these provisions to DOT.

Mr. Speaker, this legislation results from numerous hearings which we have conducted on the economic issues associated with airlines deregulation. As a result of this thorough inquiry, I firmly believe that adoption of this bill is essential if we are to have an orderly phaseout and transfer of the CAB's functions.

While the Board's disappearance will close another chapter in this country's movement toward a deregulated air transportation system, we cannot overlook the fact that the traveling public and the aviation community will continue to expect that the Federal Government will be able to respond to any problems which may arise. Therefore, we must assure that the authority is in place to carry out these important responsibilities and that they will be administered by an agency with demonstrated expertise in air transportation issues.

Mr. Speaker, I am confident that H.R. 5297 accomplishes these objectives and, for these reasons, urge my colleagues to support it. ●

● Mr. SNYDER. Mr. Speaker, I rise in support of H.R. 5297, the Civil Aeronautics Board Sunset Act of 1984, and would like to commend both the distinguished chairman and ranking member of the Subcommittee on Aviation for their leadership in bringing this bill to the floor.

With CAB sunset scheduled to occur at the end of this year, the Subcommittee on Aviation conducted a series of extensive hearings on the effects of airline deregulation and reviewed many legislative proposals to assure the smooth and orderly phaseout and transfer of the Board's functions. The vast majority of those who testified believed that deregulation has provided the basic framework for creating a more efficiently operated industry and one which will be better equipped to respond to the future demands of air travel.

Although the Airline Deregulation Act of 1978 set the basic timetable for phasing out or transferring the CAB's statutory authority, it did not specifically address what would happen to certain other Board functions, such as consumer protection, unfair trade practices regulation, and domestic carrier fitness certification.

Although it is the administration's position that each of these functions can be transferred to the appropriate agency without legislation, I believe the public interest would be best served if these functions were explicitly transferred to the Department of Transportation rather than left to the courts to decide, after protracted litigation, just what Congress really meant to do.

Perhaps the most important issue which H.R. 5297 addresses is the CAB's authority to regulate unfair and deceptive practices, unfair methods of competition, and other consumer-related areas as well. Regulations issued under these provisions include overbooking and denied boarding compensation, liability for lost or damaged baggage, protections governing the advance sale of charters, notices to passengers and proposals relating to computer reservations systems. In addition, the Board also regulates smoking aboard aircraft and prohibits discrimination in the transportation of handicapped passengers.

Unless we act to preserve the authority contained in these sections, consumers would likely find themselves without any agency to regulate in these areas. Because we believe that the protections which exist today for airline passengers are essential and must be continued, H.R. 5297 would retain the existing CAB rules, as well as the Board's underlying statutory

authority, and transfer them to DOT at sunset.

In addition, the bill would continue the domestic fitness determinations as they are now performed by the CAB under section 401 of the Federal Aviation Act. These determinations, which are in addition to the safety certification function performed by the FAA, involve checking a carrier's managerial competence, financial resources, and most importantly, the likelihood that they will comply with the appropriate laws and regulations. These inquiries have provided the traveling public with added protection by assuring that an extensive investigation into a new carrier's background will be conducted before an airline can hold itself out to the public as a common carrier.

Mr. Speaker, the legislation before us today makes few substantial changes in the provisions of the original Airline Deregulation Act of 1978. Rather, it continues those policies which resulted in the economic deregulation of the airline industry and at the same time preserves those provisions which are necessary to assure that the traveling public will continue to be protected as they are today. Moreover, the bill has widespread support throughout the aviation community and both industry and consumer groups have urged its adoption.

For the foregoing reasons, I urge my colleagues to support this legislation. ●

Mr. MINETA. Mr. Speaker, I have no further requests for time.

Mr. STANGELAND. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MINETA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MINETA) that the House suspend the rules and pass the bill, H.R. 5297, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1350

A QUESTION OF TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I do not intend to take the 60 minutes. I simply want to take a little time here to point out that we are finishing up legislative business here this afternoon at 1:50 in the afternoon. That means that we have worked for an hour and 50 minutes.

I point that out simply to point out the absurdity of what we were told in House debate here earlier today. In the House debate earlier today we were told that we could not debate an \$8½ billion bill under the regular procedures of the House because there simply was not time in this legislation session to do it.

Well, here we are. We are finishing up after less than 2 hours of time being taken in this legislative day. There are at least 3 to 4 hours in a typical workday of most Americans left to us yet today that we could have been taking up that bill under the regular legislative procedures and we are not going to do it.

Now, I think that the American people have got to begin to evaluate what it is they are being told on this floor. The other day there was criticism made of me for taking a point of personal privilege in the course of the day because we simply did not have time to consider such matters because we had important legislation. And here we are, quitting at 1:50 in the afternoon.

I would suggest that the American people need to analyze just what this House has been doing and just what kind of silly arguments are being made on a regular basis on this floor to justify doing things that are not in the best interests of this country or of the American people.

I point specifically to the fact that we had an \$8½ billion bill, \$3½ billion over the President's budget, on the floor today, that we were told we had to take up in the fashion in which we did, without amendment, without any chance for consideration under the 5-minute rule because the Congress did not have time to consider it otherwise.

I think the fact that we are stopping here at 1:50 in the afternoon makes it very plain that we do indeed have time, that that is a sham, and that we are seeing a sham perpetrated under the House rules on a regular basis.

THE NATIONAL LOW-INCOME HOUSING COALITION AGENDA

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Pennsylvania (Mr. COYNE) is recognized for 5 minutes.

● Mr. COYNE. Mr. Speaker, later this month, delegates to the Second National Conference of the National Low-Income Housing Coalition will meet in Washington to develop an action plan for a people-oriented housing policy.

The topics the conference will consider are those which we in the Congress must debate: Vouchers versus section 8 existing housing, shelter for the homeless, antidisplacement strategies, production of new rental housing, and the prevention of abandonment in public housing.

The advice of the National Low-Income Housing Coalition has always proved helpful to those of us on the House Housing and Community Development Subcommittee when we draft changes in our housing laws. I know that the ideas that come from this conference will prove useful to us as we address continuing problems.

At this point, I would like to include in the RECORD the basic recommendations of the National Low-Income Housing Coalition, recommendations from which specific proposals for action can be expected.

BASIC RECOMMENDATIONS OF THE NATIONAL LOW-INCOME HOUSING COALITION

1. Make Housing Assistance an Entitlement for All Who Need It.—An adequately funded entitlement, income-based housing assistance program is essential to enable low income people to obtain decent housing at costs they can afford. We propose housing allowances recognizing that they must be coupled both with increases in the housing supply and with changes in housing ownership and management, which we address in other portions of this statement.

2. Provide an Adequate and Affordable Supply of Housing.—Federal housing programs should support the preservation, construction or rehabilitation of an adequate and affordable supply of housing to meet the needs of low-income people and to maintain the quality and viability of neighborhoods. Until low income housing needs are met, at least 750,000 additional units of assisted housing for low income people should be added to the inventory each year.

3. Retain and Improve the Present Housing Stock to Provide Decent Housing for Lower Income People.—Our existing housing stock is a valuable national resource that must not be allowed to deteriorate. The ownership of housing should be regarded as a public trust, and all owners should have the responsibility to keep their units occupied and in decent condition. The federal government has a special responsibility to see that units which it owns or assists are maintained in viable condition and retained for low income occupancy.

4. Provide Resident Control of Housing through a Strong Role for Tenant Organizations, Limited Equity Cooperatives, Community-Based Housing Groups, and Home Owners.—Housing is an essential part of the basic fabric of our communities and neighborhoods. To a large degree, our housing affects the nature of our family and community life. Control of one's housing provides a sense of security that can be provided in no

other way. Therefore, federal housing programs should foster a variety of approaches to resident control over housing, including genuine tenant participation in decision-making, ownership of housing by community-based, nonprofit organizations, limited equity cooperatives, and individual home ownership.

5. End Displacement of Low Income People.—Displacement of low-income people by either public or private action or inaction should be ended. Under no circumstances should people be forced to leave a neighborhood where they wish to remain. When displacement from a particular unit cannot be avoided, alternative housing should be provided nearby, in the same block whenever possible. Until this objective is achieved, federal policies and programs should provide immediate and adequate protection for people threatened by displacement.

6. Strengthen and Enforce Fair Housing Laws and Equal Opportunity Requirements.—To protect against discrimination in housing, the present federal fair housing law must be aggressively enforced and strengthened to provide for effective administrative enforcement procedures, and expanded to protect persons with disabilities and families with children. Housing choices for low income families must be geographically expanded, especially in relationship to job opportunities.

7. Reform Federal Tax Laws to Reflect Priority for Aiding People with the Greatest Housing Needs.—The enormously costly and inefficient housing subsidies that are now provided through the tax code should be changed to direct them where they are needed and productive. Mortgage interest and property tax deductions should be converted to tax credits, and the amount of these credits should be capped at a level which will protect low and middle income home owners while curtailing subsidies to people who do not need them to obtain affordable housing. The additional revenue obtained by doing this should be used to meet low and middle income housing needs.

8. Provide the Financing Needed to Preserve, Build, and Rehabilitate Housing.—Monetary and credit policies should be shaped to provide reasonable financing costs for housing and limit credit-related fluctuations which increase the costs, prices, and rents of all housing. Affordable property insurance and affordable financing for the purchase, renovation and improvement of housing should be available in all neighborhoods, without discrimination of any kind.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KASTENMEIER (at the request of Mr. WRIGHT), on June 5 and 6, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. HANSEN of Utah) to revise and extend his remarks and include extraneous material:)

Mr. CRAIG, for 60 minutes, on June 20.

(The following Members (at the request of Mr. DASCHLE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. AUCOIN, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HANSEN of Utah) and to include extraneous matter:)

Mr. MOORHEAD.

Mr. WILLIAMS of Ohio in two instances.

Mr. CLINGER.

Mr. YOUNG of Florida.

Mr. MARRIOTT.

(The following Members (at the request of Mr. DASCHLE) and to include extraneous matter:)

Mr. FRANK.

Mrs. BURTON of California.

Mr. HAMILTON.

Mr. OTTINGER.

Mr. ASPIN.

Mr. JONES of North Carolina.

Mr. VENTO.

Mr. ERDREICH in two instances.

Mr. FAZIO.

Mr. UDALL.

Mr. ROE.

Mr. FORD of Michigan.

Mr. DURBIN.

Mr. DE LA GARZA.

Mr. LEVINE of California.

Mr. SCHEUER.

Mr. LELAND.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on June 4, 1984 present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 5287. An act to amend title III of the Higher Education Act of 1965 to permit additional funds to be used to continue awards under certain multiyear grants;

H.R. 3547. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretary of the Treasury to make such loans;

H.R. 5308. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; and

H.J. Res. 487. Joint resolution to designate June 6, 1984, as "D-day National Remembrance."

ADJOURNMENT

Mr. GLICKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 6, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3460. A letter from the Architect of the Capitol, transmitting his semiannual report on expenditures of appropriations from October 1, 1983 to March 31, 1984, pursuant to Public Law 88-454, section 105(b), to the Committee on Appropriations.

3461. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 139(b) of title 10, United States Code, to exempt the Secretary of Defense from the contract award report requirement in two additional instances; to the Committee on Armed Services.

3462. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "1983, Annual Report on Lottery and Charitable Games Board", pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

3463. A letter from the Director, District of Columbia Law Revision Commission, transmitting the Commission's annual report for the year ending March 31, 1984; to the Committee on the District of Columbia.

3464. A letter from the Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting the ninth annual report of the Advisory Council on Education Statistics, pursuant to DEPA, section 406(d)(1) (88 Stat. 556); to the Committee on Education and Labor.

3465. A letter from the Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting the eighth annual report of the Advisory Council on Education Statistics, pursuant to GEPA, section 406(d)(1) (88 Stat. 556); to the Committee on Education and Labor.

3466. A letter from the Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting the annual report of the National Center for Research in Vocational Education's Advisory Council for fiscal year 1983, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3467. A letter from the Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting the annual report of the Community Education Advisory Council for the calendar year 1982, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3468. A letter from the Chairman, National Advisory Council on Adult Education, transmitting the annual report of the National Advisory Council on Adult Education for 1982, pursuant to Public Law 89-750, section 311(d); to the Committee on Education and Labor.

3469. A letter from the Chairman, National Advisory Board on International Educa-

tion Programs, Department of Education, transmitting the annual report of the National Advisory Board on International Education Programs for calendar year 1982, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3470. A letter from the Chairman, National Advisory Council on Bilingual Education, Department of Education, transmitting the Council's eighth annual report on the condition of bilingual education in the United States and on the administration of the Bilingual Education Act, pursuant to ESEA, section 732(c) (92 Stat. 2280); to the Committee on Education and Labor.

3471. A letter from the Chairperson, National Advisory Council on Vocational Education, transmitting the Council's 1982 annual report, pursuant to Public Law 88-210, section 162(b)(2) (90 Stat. 2200); Public Law 93-203, section 503(5)(B) (92 Stat. 2003); to the Committee on Education and Labor.

3472. A letter from the Chairperson, National Advisory Council on Indian Education, transmitting the Council's 10th annual report (October 1982-September 1983), pursuant to Public Law 92-318, section 442(b)(6); to the Committee on Education and Labor.

3473. A letter from the Chairperson, National Advisory Council on Bilingual Education, Department of Education, transmitting the Council's seventh annual report on the condition of bilingual education in the United States and on the administration of the Bilingual Education Act, pursuant to ESEA, section 732(c) (92 Stat. 2280); to the Committee on Education and Labor.

3474. A letter from the Delegate, National Board of the Fund for the Improvement of Postsecondary Education, Department of Education, transmitting the annual report of the National Board of the Fund for the Improvement of Postsecondary Education for fiscal year 1983, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3475. A letter from the Delegate, National Board of the Fund for the Improvement of Postsecondary Education, Department of Education, transmitting the annual report of the National Board of the Fund for the Improvement of Postsecondary Education for calendar year 1982, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3476. A letter from the Designated Department Official, National Advisory Committee on Accreditation and Institutional Eligibility, Department of Education, transmitting the annual report of the National Advisory Committee on Accreditation and Institutional Eligibility for 1983, pursuant to HEA, section 1205(e) (94 Stat. 1495); to the Committee on Education and Labor.

3477. A letter from the Designated Federal Official, National Advisory Council for Career Education, Department of Education, transmitting the annual report of the National Advisory Council for Career Education for calendar year 1982, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3478. A letter from the Executive Director, National Advisory Council on Indian Education, transmitting the Council's ninth annual report, calendar year 1982, pursuant to Public Law 92-318, section 442(b)(6); to the Committee on Education and Labor.

3479. A letter from the Executive Director, National Advisory Council on Vocational Education, transmitting the annual report of the National Advisory Council on Vocational Education for 1983, pursuant to Public Law 88-210, section 162(b)(2) (90

Stat. 2200); Public Law 93-203, section 503(5)(B) (92 Stat. 2003); to the Committee on Education and Labor.

3480. A letter from the Secretary of Education, transmitting a copy of a report entitled "The Nation Responds"; to the Committee on Education and Labor.

3481. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed manufacturing license agreement for the production in Israel of DR810 MKII and MKIII muzzle velocity radars for use by the Israeli Army, pursuant to AECA section 36 (c) and (d) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3482. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of an automated air defense operations center and associated equipment to the Hashemite Kingdom of Jordan (transmittal No. MC-11-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3483. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(a) (92 Stat. 993); to the Committee on Foreign Affairs.

3484. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a draft of proposed legislation to authorize U.S. participation in the International Jute Organization; to the Committee on Foreign Affairs.

3485. A letter from the Chief Scout Executive, Boy Scouts of America, transmitting the 1983 annual report of the Boy Scouts of America, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

3486. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated October 9, 1979, submitting a report, together with accompanying papers and illustrations, on modifications to Grand Haven Harbor, Mich. These reports are in response to a resolution adopted March 1, 1950, by the U.S. House of Representatives Committee on Public Works (H. Doc. No. 98-227); to the Committee on Public Works and Transportation and ordered to be printed.

3487. A letter from the Secretary of State, transmitting information on the verdict that was handed down in the case of the five ex-national guardsmen charged with the December 2, 1980, murder of four American churchwomen in El Salvador; jointly, to the Committees on Foreign Affairs and Appropriations.

3488. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to promote sharing of alcohol and drug dependence and abuse treatment resources between the Veterans' Administration and the Department of Defense; jointly, to the Committees on Veterans' Affairs and Armed Services.

Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina, Committee on Merchant Marine and Fisheries, H.R. 5447. A bill to establish national standards for the construction and siting of artificial reefs in the waters of the United States in order to enhance fishery resources and fishing opportunities, and for other purposes; with amendments (Rept. No. 98-819 Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of North Carolina (for himself, Mr. BIAGGI, Mr. PRITCHARD, and Mr. DAVIS) (by request):

H.R. 5774. A bill to require tonnage measurement of vessels engaged on international voyages and within the jurisdiction of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EDGAR (by request):

H.R. 5775. A bill to amend title 38, United States Code, to extend the authority of the Veterans' Administration to conduct certain health care programs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5776. A bill to amend title 38, United States Code, to grant discretion to the Administrator to administer garage and parking appropriations and fees as a revolving fund; to the Committee on Veterans' Affairs.

By Mr. JEFFORDS:

H.R. 5777. A bill to amend title 28 of the United States Code to provide for holding terms of the U.S. District Court for the District of Vermont at Bennington; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 5778. A bill to amend title I of the Ethics in Government Act of 1978 to provide for more useful and effective disclosure by officials of the legislative branch, and for other purposes; to the Committee on Rules.

By Mr. LEVINE of California (for himself, Mr. DOWNEY of New York, Mr. GARCIA, Mr. BROOMFIELD, Mr. FISH, Mr. HORTON, Mr. VANDERGRIFT, Mrs. BURTON of California, Mr. RANGEL, Mr. PERKINS, Mr. EVANS of Illinois, Mrs. BOXER, Mr. ORTIZ, Mr. MARTINEZ, Mr. LAGOMARSINO, Mr. RINALDO, and Mr. HANSEN of Idaho).

H.J. Res. 583. Joint resolution to designate January 27, 1985, as "National Jerome Kern Day"; to the Committee on Post Office and Civil Service.

By Mr. LOTT:

H.J. Res. 584. Joint resolution to authorize and request the President to proclaim March 18, 1985, as "National Taste and Smell Disease Awareness Day"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CHAPPEL introduced a bill (H.R. 5779) for the relief of Monique Georgette Boren; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1580: Mr. HYDE.
H.R. 1742: Mr. BEDELL.
H.R. 4080: Mr. RAHALL.
H.R. 4175: Mr. KOGOVSEK, Mr. KOSTMAYER, Mr. JACOBS, Mr. DEWINE, Mr. MARTINEZ, Mr. CORCORAN, and Mr. GEKAS.
H.R. 4536: Mr. STUMP.
H.R. 4598: Mr. GEKAS.
H.R. 4642: Mr. EDGAR and Mr. PANETTA.
H.R. 4760: Mr. MARTINEZ.
H.R. 4772: Mr. HAWKINS and Mr. DENNY SMITH.
H.R. 4832: Mr. GEPHARDT.
H.R. 4905: Mrs. JOHNSON.
H.R. 5023: Mr. STRATTON, Mr. GILMAN, and Mr. GOODLING.
H.R. 5227: Mr. WEISS.
H.R. 5341: Mr. DYMALLY, Mr. FAUNTROY, Mr. CONYERS, Mr. SMITH of Florida, Mr. DIXON, and Mr. EDWARDS of California.
H.R. 5396: Mr. GILMAN.
H.R. 5550: Mr. MINETA, Mr. EVANS of Illinois, and Mr. SIMON.
H.R. 5664: Mr. ST GERMAIN and Mr. McNULTY.
H.R. 5677: Mr. ACKERMAN, Mr. MITCHELL, Mr. MRAZEK, Mr. OWENS, Mr. LEVINE of California, Mr. McGRATH, Mr. SMITH of Florida, and Mrs. BOXER.
H.J. Res. 360: Mr. DE LA GARZA.
H.J. Res. 504: Mrs. SCHNEIDER.

H.J. Res. 514: Mr. BIAGGI, Mr. SCHEUER, Mr. TORRICELLI, Mr. MARTINEZ, and Mr. GEPHARDT.

H.J. Res. 528: Mr. MARRIOTT, Mr. WALGREN, Mr. COYNE, Mr. PRICE, Mr. GREGG, Mr. FOGLIETTA, Mr. STOKES, Mr. DE LA GARZA, Mr. FORD of Michigan, Mr. FAUNTROY, and Mr. DANNEMEYER.

H.J. Res. 581: Mr. BOEHLERT, Mr. GINGRICH, Mr. HUGHES, Mr. DE LA GARZA, and Mr. JEFFORDS.

H. Con. Res. 69: Mr. LEVIN of Michigan, Mr. FOGLIETTA, Mr. FEIGHAN, Mr. D'AMOURS, Mr. BEDELL, Mr. LONG of Maryland, Mr. RODINO, Mr. DONNELLY, Mr. SEIBERLING, Mr. WOLFE, Mr. BOLAND, Mr. MINETA, Mr. KOSTMAYER, Mr. LANTOS, Mr. WEISS, Mr. CHANDLER, Mr. LEVINE of California, and Mrs. BOXER.

H. Con. Res. 312: Mr. VENTO, Mr. FROST, Mr. LOWRY of Washington, Mr. FRANK, Mr. GOODLING, Mr. SMITH of Florida, Mrs. BYRON, Mr. LENT, Mr. BROWN of California, Mr. BLILEY, Mr. FLIPPO, and Mr. DUNCAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3282: Mr. ANNUNZIO.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

381. By the SPEAKER: Petition of the City Council of Duluth, Minn., relative to health care for veterans; to the Committee on Veterans' Affairs.

382. Also, petition of the City Council of Houston, Tex., relative to industrial development bonds; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5504

By Mr. MINETA:

—Page 61, line 18, before the period insert the following: “; amounts stipulated for each fiscal year under full funding contracts executed under such subsection before October 1, 1984; and, in the case of projects for which letters of intent have been issued under such subsection before October 1, 1984, but for which full funding contracts have not been executed before such date, amounts stipulated for each fiscal year under such letters of intent.”.